

responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5218. Also, addresses submitted by the Navy Yard Retirement Association, navy yard, New York, in re retirement legislation; to the Committee on the Civil Service.

5219. Also, petition of New York Photo-Engravers' Union, No. 1, favoring the passage of House bill 9575 and Senate bill 2440; to the Committee on Printing.

5220. By Mr. SHREVE: Petition of numerous residents of Erie and Crawford Counties, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5221. By Mr. SWING: Petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5222. By Mr. THOMPSON: Petition of citizens of Defiance and Paulding Counties, Ohio, protesting against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

5223. Also, petition of citizens of Van Wert County, Ohio, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5224. By Mr. TINKHAM: Petition of Betsy Ross Tent No. 31, Daughters of Union Veterans of Civil War, for increase in pension of all Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5225. By Mr. WELLER: Petition of the New York State Council of the Knights of Columbus, urging full Federal responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

## SENATE

SATURDAY, March 10, 1928

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, Senate Joint Resolution 46, and the junior Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

### MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Reed, Pa.
Barkley	Edwards	Keyes	Robinson, Ark.
Bayard	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shipstead
Black	Frazier	McKellar	Shortridge
Blease	George	McLean	Simmoms
Borah	Glass	McMaster	Smith
Bratton	Gooding	McNary	Smoot
Brookhart	Gould	Mayfield	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Couzens	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Deneen	Johnson	Pittman	Waterman
Dill	Jones	Ransdell	Wheeler

Mr. FESS. My colleague the senior Senator from Ohio [Mr. WILLIS] is absent from the Chamber on important business. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, I ask my colleague to yield while I submit a unanimous-consent request.

Mr. HOWELL. I yield for that purpose.

Mr. NORRIS. I ask unanimous consent that when the Senate completes its business to-day it shall take a recess until 12 o'clock Monday, and that, beginning at 12 o'clock Monday, all speeches on any amendment and on the joint resolution now pending shall be limited to 15 minutes, and that no Senator shall be allowed to speak more than once upon any amendment or upon the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. Mr. President, I object to that arrangement at the present time.

Mr. HARRISON. Mr. President, I hope the Senator from Alabama will not insist upon his objection. I have been wanting to speak for some time during the discussion, and have given way to this Senator and that Senator. There is another rather important piece of legislation which is soon to be before us. It seems to me the agreement would give any Senator ample time, as it allows 30 minutes in which to speak. If we do not get some kind of an agreement we shall be here until the end of next week on the joint resolution.

Mr. McKELLAR. Mr. President, I hope, too, that the Senator from Alabama will withdraw his objection, because we have the flood relief measure coming on very soon, and it is very important to all our people. While I have wanted to speak at some length, I am perfectly willing to cut my remarks down for the occasion.

Mr. ROBINSON of Arkansas. Mr. President, I merely desire to add to what has been said that I think the time has come when some arrangement for the limitation of debate on the joint resolution should be entered into. We have had a very full discussion of the joint resolution and of some of the amendments which have been before us. I believe that nearly all Senators who desire to discuss the measure at length have already spoken. I hope the Senator from Alabama may be able to withdraw his objection.

Mr. BLACK. Mr. President, at the time I made the objection I had not seen my colleague the senior Senator from Alabama [Mr. Heflin]. That is the reason why I stated I objected for the present. I did not want an agreement to be reached in his absence or without my having a chance to consult with him. We have no objection.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is entered into.

The agreement was reduced to writing, as follows:

### UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess until 12 o'clock noon Monday, and that after that hour no Senator shall speak more than once nor longer than 15 minutes upon the joint resolution S. J. Res. 46, the Muscle Shoals resolution, or upon any amendment proposed thereto.

Mr. McNARY. Mr. President, a few days ago I had inserted in the RECORD a report from the Secretary of Agriculture on the pending joint resolution. This morning I have received a very brief report from the Secretary on the so-called Willis-Madden bill, which I should like to have read at the desk by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

### DEPARTMENT OF AGRICULTURE,

Washington, D. C., March 9, 1928.

Hon. CHARLES L. McNARY,

United States Senate.

DEAR SENATOR McNARY: Your letter of January 25, inclosing a copy of S. 2786, has been received. This is a bill introduced by Mr. WILLIS "To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes."

I am advised that the legislation proposed in S. 2786 would not be in conflict with the financial program of the President.

Sincerely yours,

W. M. JARDINE, Secretary.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House, having considered the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, did not agree thereto, two-thirds of the Members not having voted in the affirmative.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

## PETITIONS AND MEMORIALS

Mr. ASHURST presented the petition of Mrs. Jennie McKee, of Phoenix, Ariz., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 3434, the so-called Jones flood control bill, which was ordered to lie on the table.

Mr. FRAZIER presented a resolution of Kringen Lodge, No. 25, Sons of Norway, of Fargo, N. Dak., favoring the repeal of the so-called national-origins quota provision of the immigration law of 1924, which was referred to the Committee on Immigration.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. FESS presented petitions of sundry citizens of Delphos and Washington County, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. JONES presented a memorial of sundry citizens of Beltingham, Wash., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Chehalis, Wash., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Clark County, Wash., praying for the passage of legislation repealing the so-called national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Wenatchee, Wash., remonstrating against the passage of Senate bill 1271, the so-called migratory bird conservation bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Olympia and Tacoma, in the State of Washington, praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Plaza, Retzil, and vicinity, in the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

## INTERNATIONAL ASSOCIATION OF POLICEWOMEN

Mr. CARAWAY. Mr. President, in discussing associations in the District of Columbia which largely are engaged in extracting money from people away from here and spending it for the benefit of themselves and nobody else, I mentioned the International Association of Policewomen. A very excellent lady, who is connected with that association, came to me and argued with me that I had done that particular association an injustice. Without knowing much about the facts, I told her if she would write me a letter stating their side of the matter for the public, I would ask to have it included in the RECORD. Therefore I ask unanimous consent to have the letter made a part of my statement.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

INTERNATIONAL ASSOCIATION OF POLICEWOMEN (INC.);  
Washington, D. C., March 8, 1928.

Hon. T. H. CARAWAY,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR CARAWAY: In reading your report, Senate 342, on the bill to require registration of lobbyists, in which you mention certain fake organizations having headquarters in Washington, I regretted to find listed the name of the International Association of Policewomen.

Our association is educational in character and aims to stimulate the appointment of policewomen of high caliber, who have training in social work, to take care of the problems of unfortunate women and children coming to the attention of the police departments. We wish to place an emphasis on finer personnel and more effective preventive measures by the police, to the end that our national crime problem

shall be diminished. We answer the call for technical service and educational information in all parts of the country, from public officials, civic organizations, universities, and women's clubs. Since so many of these groups have their headquarters in Washington, it is a matter of convenience to be located here. Our presence in the Capital has no relation whatsoever to the National Congress, and, with the exception of one bill relating to the District, we have had no contact with Congress, nor is it likely that we shall have in the future.

From the names listed on this paper I am sure you will realize that we have the sympathy and understanding of people of broad civic interest and high professional standing. Knowing your fine spirit of justice, I place the facts before you, feeling sure you will wish to correct any misunderstanding which may arise from your report.

I am, most respectfully yours,

(Miss) HELEN D. PIGEON,  
Executive Secretary.

## CONTRACTS FOR THE AIR MAIL

Mr. ROBINSON of Arkansas. Mr. President, I ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads a letter which has come to me from E. F. Stewart in relation to contracts for the carriage of air mail.

The VICE PRESIDENT. Without objection, it is so ordered.

NEW YORK, March 8, 1928.

Hon. JOSEPH T. ROBINSON,

Senate Office Building, Washington, D. C.

DEAR SENATOR ROBINSON: H. R. 10553, known as the Kelly bill, has passed the House and undoubtedly now comes to your committee.

The undersigned, long actively interested in practical aviation and formerly the officer in charge of flying at Payne Field, West Point, Miss., first appeared before your committee in 1919-20 and fathered the clause in that year's bill authorizing the Postmaster General to contract for carrying mail by airplane. This was the first legislation of its kind.

In 1927 I underbid the present contractor for the New York-Chicago air mail service an average of 75 cents per pound. I also agreed in my proposals to carry not only air mail but enough regular first-class mail to make up 20,000 pounds daily, and at 35 cents per pound. The present law authorizes the Postmaster General to contract for carrying first-class mails at not more than 60 cents per pound.

The bill now before you is the logical outcome of the past history of air mail. In plain terms, it authorizes the Postmaster General to decrease the postage rate on air mail 75 per cent.

In view of my bid of 35 cents per pound for ordinary first-class mail between New York and Chicago, the only end which the present pending legislation may accomplish is to increase the volume of business for the benefit of the holders of existing contracts for carrying air mails at the expense of the Government.

The clause permitting the Postmaster General to contract ahead for 10 years can only be designed to the same end. Aviation is making rapid strides, and even the present limit of five years is probably too long a term for the Government to contract for.

I desire a hearing when this present bill is discussed in your committee, and will be greatly obliged if you will arrange that I may be heard at that time.

Very truly yours,

E. STEWART.

## DISABLED EMERGENCY OFFICERS AND ENLISTED MEN

Mr. BINGHAM. I present correspondence from the Director of the United States Veterans' Bureau, with accompanying statements and tables showing the extent of major disability, degree of impairment, number, and amount of monthly compensation payments being made to emergency Army, Navy, and Marine officers and enlisted men, and also showing the compensation status and estimated cost of retirement of emergency officers of the Army, Navy, and Marine Corps who are permanently disabled to a degree of 30 per cent or more, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the matter was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,  
OFFICE OF THE DIRECTOR,  
Washington, February 29, 1928.

Hon. HIRAM BINGHAM,

United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: In reply to your verbal request that you be furnished with current information relative to disabled emergency officers, as shown on page 17 of the report of the Senate Military Affairs Committee, March 5, 1926, together with similar information covering enlisted men, you are advised that there are inclosed herewith statements as of December 31, 1927, showing the extent of major dis-



ability, degree of impairment, number, and amount of monthly compensation payments being made to emergency Army, Navy, and Marine officers and enlisted men.

Very truly yours,

FRANK T. HINES, Director.

Compensation—Active disability awards—Enlisted men receiving compensation as of December 31, 1927

Degree of impairment	Number	Monthly payment
Per cent temporary partial:		
10-19	12,809	\$163,439
20-29	17,738	406,665
30-39	7,714	248,678
40-49	5,019	201,751
50-59	7,091	240,309
60-69	2,984	172,306
70-79	6,370	438,409
80-89	1,206	91,790
90-99	164	14,108
Total	61,095	2,077,455

Compensation—Active disability awards—Enlisted men receiving compensation as of December 31, 1927—Continued

Degree of impairment	Number	Monthly payment
Per cent permanent partial:		
10-19	60,902	\$1,688,240
20-29	34,342	1,027,607
30-39	12,794	454,704
40-49	7,481	325,015
50-59	6,204	323,652
60-69	4,500	282,375
70-79	3,165	233,404
80-89	1,942	163,035
90-99	547	50,580
Total	131,877	4,548,612
Per cent temporary total: 100	15,066	1,329,880
Per cent permanent total: 100	31,784	2,876,707
Per cent double permanent total: 200	53	12,520
Grand total	1,239,875	10,845,174

<sup>1</sup> This figure includes noncommissioned officers.

Compensation, active disability awards—Emergency Army, Navy, and Marine officers, showing extent of major disability, degree of impairment, number and amount of monthly payment as of December 31, 1927

Degree of impairment	Army															
	General		Colonel		Lieutenant colonel		Major		Captain		First lieutenant		Second lieutenant		Total	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent temporary partial:																
10-19					3	\$30	23	\$420	94	\$1,430	141	\$2,220	131	\$1,758	392	\$5,858
20-29					6	125	41	938	160	3,676	237	5,453	179	4,230	623	14,422
30-39			1	\$30	1	40	30	945	82	2,610	135	4,431	95	3,074	344	11,130
40-49					5	193	16	625	62	2,468	96	3,886	40	1,638	219	8,810
50-59			2	103	2	95	28	1,379	118	5,782	120	5,862	95	4,578	365	17,799
60-69					4	259	20	1,159	60	3,608	59	3,462	42	2,487	185	10,975
70-79			2	143	5	337	16	1,088	105	7,417	122	8,639	87	5,948	337	23,572
80-89					2	165	12	940	23	1,769	39	3,016	13	1,019	89	6,909
90-99							2	167	2	165	16	1,361	6	517	26	2,210
Total			5	276	28	1,244	188	7,661	706	28,925	965	38,330	688	25,249	2,580	101,685
Per cent permanent partial:																
10-19			4	118	16	485	92	2,745	446	12,121	915	25,242	795	22,497	2,268	63,208
20-29			3	79	7	194	53	1,511	268	8,047	484	13,927	307	8,795	1,122	32,553
30-39			3	97	5	167	35	1,176	130	4,463	197	6,805	181	6,260	551	18,968
40-49					4	170	27	1,137	99	4,275	135	5,822	105	4,487	370	15,891
50-59					1	56	20	1,044	100	5,204	150	7,794	102	5,327	373	19,425
60-69	1	\$90	1	68	4	260	14	895	55	3,476	76	4,881	51	3,205	202	12,845
70-79					3	225	12	899	50	3,696	72	5,346	44	3,277	181	13,443
80-89							4	337	20	1,698	27	2,257	23	1,886	74	6,178
90-99									7	652	8	737	6	549	21	1,938
Total	1	60	11	362	40	1,557	257	9,744	1,175	43,632	2,064	72,811	1,614	56,283	5,162	184,449
Per cent temporary total: 100			2	195	4	375	29	2,689	121	11,227	181	16,568	128	11,505	465	42,559
Per cent permanent total: 100			7	800	12	1,250	93	9,688	350	36,610	441	45,760	372	37,186	1,275	131,294
Per cent double permanent total: 200											1	200	2	500	3	700
Grand total	1	60	25	1,633	84	4,426	567	29,782	2,352	120,394	3,652	173,669	2,804	130,723	9,485	460,687

Degree of impairment	Navy										Marine									
	Commodore or captain		Commander		Lieutenant commander		Lieutenant		Lieutenant (junior grade)		Ensign		Total		Colonel		Major		Captain	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent temporary partial:																				
10-19			2	\$17	2	\$31	4	\$40	10	\$123	18	\$211			3	\$36	1	\$7	2	\$19
20-29			1	\$23	1	50	4	109	5	133	22	515	33	830			1	23	1	24
30-39			3	80	8	273	7	236	10	310	28	899					1	32	1	36
40-49					1	40	6	231	5	206	4	128	16	605						
50-59			1	45	1	33	7	332	6	303	13	633	28	1,366						
60-69					1	49	3	167	5	280	10	546								
70-79			1	71		6	400	4	309	12	788	23	1,568		2	\$120			3	215
80-89					2	162	3	239	5	390	4	321	14	1,112			1	76	1	91
90-99							1	90				1	90							
Total			6	219	8	372	37	1,664	40	1,874	80	3,098	171	7,227			2	120	5	135
Per cent permanent partial:																				
10-19	1	\$10	2	31	4	65	23	871	16	509	67	2,041	113	3,527	1	\$15	3	46	8	196
20-29					2	55	13	372	10	338	26	778	51	1,538			2	45	6	139
30-39	1	80					7	214	4	143	9	305	21	712	1	33		3	105	1
40-49					1	45	3	124	5	207	6	267	15	643						
Total																				
Grand total																				

Compensation, active disability awards—Emergency Army, Navy, and Marine officers, showing extent of major disability, degree of impairment, number and amount of monthly payment as of December 31, 1927—Continued

Degree of impairment	Navy												Marine															
	Com- modore or captain		Com- mander		Lieuten- ant com- mander		Lieuten- ant		Lieuten- ant (junior grade)		Ensign		Total		Colonel		Major		Cap- tain		First lieuten- ant		Second lieuten- ant		Total		Grand total	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent permanent partial—Continued.																												
50-59	1	\$63	1	\$65	1	\$50	1	\$50	2	\$102	6	\$323	10	\$525					3	\$161			3	\$161	386	\$20,111		
60-69					2	130	1	61	4	241	9	560					1	\$61				1	61	212	13,466			
70-79					1	70	3	223	1	70	1	79	6	442										187	13,885			
80-89						86	2	163				3	249											77	6,427			
90-99					1	94			1	90	2	184												23	2,122			
Total	3	123	3	96	9	285	54	2,164	41	1,588	120	4,124	230	8,380	2	\$48			9	257	18	532	13	\$246	42	1,083	5,434	193,912
Per cent temporary total:																												
100	1	90	1	90	4	324	8	735	17	1,490	31	2,877	62	5,606	1	63			1	95	2	210	4	385	8	753	535	48,913
Per cent permanent total:																												
100	1	100	3	350	7	750	18	1,770	28	2,920	62	5,847	119	11,737					2	200	2	200	3	300	7	700	1,401	143,731
Per cent double permanent total: 200																											3	700
Grand total	5	\$13	13	755	28	1,731	117	6,333	126	7,872	293	15,946	582	32,950	3	111	2	\$120	17	687	26	1,096	27	1,221	75	3,235	10,142	496,872

UNITED STATES VETERANS' BUREAU,  
OFFICE OF THE DIRECTOR,  
Washington, February 26, 1927.

HON. HIRAM BINGHAM,

United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: There are attached for your information copies of statements showing the compensation status and estimated

cost of retirement of emergency officers of the Army, Navy, and Marine Corps who are permanently disabled to a degree of 30 per cent or more. If these officers were retired with 75 per cent of their base pay, it is estimated that there would be an annual increased cost of \$2,254,500 over the compensation they are now receiving.

Very truly yours,

FRANK T. HINES, Director.

Emergency officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement: December 31, 1927

Rank	Permanent partial, 30 per cent or more		Permanent total		Total		Pay rate	75 per cent of pay rate	Cost on basis of 75 per cent of pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
ARMY									
General.....	1	\$60			1	\$60	\$500.00	\$375.00	\$375.00
Colonel.....	4	165	7	\$800	11	965	333.33	250.00	2,750.00
Lieutenant colonel.....	17	878	12	1,250	29	2,128	291.66	218.75	6,343.75
Major.....	112	5,488	93	9,688	205	15,176	250.00	187.50	38,437.50
Captain.....	461	23,464	350	36,610	811	60,074	200.00	150.00	121,650.00
First lieutenant.....	665	33,642	442	45,960	1,107	79,602	166.66	125.00	138,375.00
Second lieutenant.....	512	24,991	374	37,686	886	62,677	125.00	93.75	83,062.50
Total.....	1,772	88,688	1,278	131,994	3,050	220,682			390,993.75
NAVY									
Commodore or captain.....	2	113	1	100	3	213	333.33	250.00	750.00
Commander.....	1	65	3	350	4	415	291.66	218.75	875.00
Lieutenant commander.....	3	165	7	750	10	915	250.00	187.50	1,875.00
Lieutenant.....	18	921	18	1,770	36	2,691	200.00	150.00	5,400.00
Lieutenant (junior grade).....	15	746	28	2,920	43	3,666	166.66	125.00	3,375.00
Ensign.....	27	1,305	62	5,847	89	7,152	125.00	93.75	8,343.75
Total.....	66	3,315	119	11,737	185	15,052			22,618.75
MARINE									
Colonel.....	1	33			1	33	291.66	218.75	218.75
Lieutenant colonel.....							250.00	187.50	
Major.....							200.00	150.00	
Captain.....	4	166	2	200	6	366	166.66	125.00	750.00
First lieutenant.....	4	197	2	200	6	397	125.00	93.75	562.50
Second lieutenant.....			3	300	3	300	125.00	93.75	281.25
Total.....	9	396	7	700	16	1,096			1,812.50
Total emergency officers.....	1,847	92,399	1,404	144,431	3,251	236,830			415,425.00

\$415,425×12=\$4,985,100, annual cost of retirement.

\$236,830×12=\$2,841,960, annual compensation now being paid.

\$4,985,100-\$2,841,960=\$2,143,140, annual increased cost of retirement.

This statement excludes the following arrested T. B. cases receiving a statutory \$50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial: Army, 1,134; Navy, 66; Marine, 3.

#### REPORTS OF COMMITTEES

Mr. EDGE, from the Committee on Inter-oceanic Canals, to which was referred the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital, reported it without amendment.

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes (Rept. No. 509); and

A bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding \$50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska (Rept. No. 510).



Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 1768) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the municipal hospital building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., reported it with an amendment and submitted a report (No. 511) thereon.

Mr. BARKLEY, from the Committee on Finance, to which was referred the bill (S. 1763) for the relief of the Sunny Brook Distillery Co., reported it with an amendment and submitted a report (No. 512) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes, reported it with an amendment and submitted a report (No. 513) thereon.

Mr. SHORTRIDGE, from the Committee on Finance, to which was referred the bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs, reported it without amendment and submitted a report (No. 514) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation, reported it without amendment and submitted a report (No. 515) thereon.

Mr. JONES, from the Committee on Indian Affairs, to which was referred the bill (H. R. 173) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash., reported it without amendment and submitted a report (No. 516) thereon.

Mr. THOMAS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., reported it without amendment and submitted a report (No. 517) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 356) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect" (Rept. No. 518); and

A bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States (Rept. No. 519).

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2306) for the relief of William E. Thackrey, reported it without amendment and submitted a report (No. 520) thereon.

Mr. McMASTER, from the Committee on Indian Affairs, to which was referred the bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians, reported it without amendment and submitted a report (No. 521) thereon.

Mr. PINE, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California (Rept. No. 522); and

A bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California (Rept. No. 523).

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, reported it with amendments and submitted a report (No. 524) thereon.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3582) for the relief of Percie D. Jordan; and

A bill (S. 3583) for the relief of Lieut. Henry Dewey Bennett; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 3584) allowing rank, pay, and allowances of a captain, Medical Corps, United States Navy, to the medical officer assigned to duty as personal physician to the President; to the Committee on Naval Affairs.

By Mr. HOWELL:

A bill (S. 3585) authorizing and directing the Inland Waterways Corporation to initiate water carriage upon the Missouri River; to the Committee on Commerce.

By Mr. PINE:

A bill (S. 3586) granting an increase of pension to Margaret J. McQuerry; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3587) granting an increase of pension to Nancy Henson; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3588) to amend and correct the military record of Abram Palo; to the Committee on Military Affairs.

A bill (S. 3589) to prevent the flooding of lands of the United States within the Superior National Forest in the State of Minnesota; to the Committee on Agriculture and Forestry.

By Mr. DALE:

A bill (S. 3590) to amend section 110 of the Judicial Code; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3591) granting World War adjusted compensation to Margaret A. Joyce; to the Committee on Finance.

A bill (S. 3592) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHEELER:

A bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. FRAZIER (by request):

A bill (S. 3594) to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRATTON:

A bill (S. 3595) for the relief of Arch L. Gregg (with accompanying papers); to the Committee on Claims.

By Mr. HAWES:

A bill (S. 3596) granting an increase of pension to Eliza J. McKee (with accompanying papers); and

A bill (S. 3597) granting an increase of pension to Lottie F. Bentley (with accompanying papers); to the Committee on Pensions.

A bill (S. 3598) authorizing Dupon Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Commerce.

#### COLUMBIA RIVER BASIN PROJECT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

#### CAPITAL STOCK OF INLAND WATERWAYS CORPORATION

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation, which was referred to the Committee on Commerce and ordered to be printed.

#### WITHDRAWAL OF PAPERS—MARY WILLARD

On motion of Mr. JONES, it was—

Ordered, That the papers accompanying the bill (S. 5475, 69th Cong., 2d sess.) granting a pension to Mary Willard, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### DEATH OF CAPT. WILLIAM C. BYRD, UNITED STATES MARINE CORPS, OF SOUTH CAROLINA

Mr. BLEASE. Mr. President, a few days ago Capt. William C. Byrd, of South Carolina, an officer of the United States Marine Corps, was killed in an airplane accident in Nicaragua. I ask that the article which I send to the desk, which was published in the Charleston (S. C.) News and Courier in reference to him may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### BYRD, MARINE PILOT, SOUTH CAROLINIAN, DIES WHEN HIS PLANE FALLS IN NICARAGUA

Capt. William C. Byrd, marine pilot, South Carolinian, graduate of the Citadel, and Sergt. Rudolph A. Frankforter, native of New York

State, were killed yesterday afternoon when an American observation plane crashed near Esteli, 40 miles northeast of Matagalpa, according to an Associated Press dispatch received here last night.

Captain Byrd married Miss Harriett Wannamaker, of Orangeburg. His mother, Mrs. George Byrd, sr., lives at Greenwood, as does a brother, George Byrd, jr., proprietor of a shoe store there. James Izlar Sims, publisher of the Times and Democrat, Orangeburg, is a brother-in-law and Tuesday received a letter from Captain Byrd mailed from Nicaragua. He was with Captain Byrd at Hampton Roads and took a two-hour ride with him just before he sailed for Central America on the airplane carrier *Saratoga* in January. The letter Tuesday was the first that Mr. Sims had had from the brother-in-law since he left the United States.

#### THOUGHT UNITED STATES RIGHT

Captain Byrd thought that the United States was right in intervening in Nicaragua, said Mr. Sims over long distance last night. "He went down willing to do his part to help curb the guerilla warfare."

"By armed force was the only way my brother-in-law thought any peace could be brought to the little nation. He had been sent by the United States Government there two or three years ago to help the natives organize a constabulary to maintain peace. He went back to that country this time convinced that Nicaragua would do nothing for itself and could not have peace without outside supervision. He saw in Nicaragua two hands who had rather fight than do anything else. As a marine pilot he went to do what he considered his duty."

Captain Byrd had been with the Marine Corps 12 years, and a year ago began flying. He saw service in Haiti with the United States marine guard there.

#### WIDOW IN CHARLOTTE

Captain Byrd's widow is now in Charlotte, N. C., visiting her sister, Mrs. W. A. Bloodworth.

It is thought that the dead South Carolinian was second in command of the United States flying forces in the little war-torn Republic. Maj. Ross E. Rowell is in charge.

Meager advices received here indicate that the accident occurred near the landing field at Esteli, and that the two men were killed instantly. The bodies will be brought to Managua.

#### BELIEVE PLANE STRUCK BUZZARD

MANAGUA, March 9 (Special).—The plane carrying Captain Byrd and Sergeant Frankforter was flying southward, bound from Ocotal on a test flight. It is believed it struck a flying buzzard, which broke a strut supporting the right wing, causing it to collapse when about to land on the Esteli Field.

The plane began to turn over and the aviators jumped from a height of about 250 feet, their parachutes being useless at that altitude. The plane was considered sound, having been recently overhauled.

Captain Byrd had been with the marines for 12 years, but had only about 1 year aviation service. He trained at Pensacola. Frankforter was an experienced aviator.

The two men came to Nicaragua about three weeks ago aboard the airplane carrier *Saratoga*. Byrd previously had service in this country. Frankforter leaves besides his widow three children.

#### MANY BUZZARDS IN NICARAGUA

Buzzards in Nicaragua are almost as plentiful as English sparrows in the United States. They seem to sense with uncanny accuracy when a battle is about to begin and often circle above moving bodies of men until an engagement, following which they sight and devour the carcasses of not only the animals slain but the humans. Marine aviators have learned to investigate wherever a swarm of buzzards are circling. There usually it is found a battle has taken place or a band of men from the brush have encamped and left the half-used carcass of some cow or wild boar slain for food. The buzzard, while not protected by law or sentiment in Nicaragua, is the national scavenger and, despite its not infrequent gruesome occupation, fills an important place in the Central American Republic which knows so little of modern methods of sanitation and apparently cares less. In the streets, on the housetops above the patios of the homes of the wealthy, as well as in the heart of the jungle, the buzzard, or zopoloti, is a familiar, albeit repulsive, figure.

Esteli, at which Capt. William C. Byrd fell to his death, is in the mountainous section of the Nicaraguan wilds, in the department of Esteli. It is a tiny village inhabited mainly by Indians or that class of Nicaraguan peasant known as the "mozo," a mixture of Indian and Spanish. The sympathies of the people in Esteli are with the Liberal Party and with Augustino Sandino, who has retired to the mountain fastness in resistance against the marines. Captain Byrd was one of the recent contingent of marines sent to Nicaragua to put an end to Sandino.

#### SMALL LANDING FIELD

At Esteli there is a small landing field built by orders of the marine aviation force under Maj. Ross E. Rowell. The field is a cleared space in the midst of jungle undergrowth. Barefooted, half-naked mozo with the long, curved knife of the banana cutter, the machete, hacked and slashed until a space several acres in length and possibly 2 in width had been cleared. Stumps were dug out and uprooted by hand, the

earth was packed with logs, and drainage ditches constructed to make it safe in the rainy season. Sheets were driven into the ground at the four corners of the field and a white line of pounded limestone spread down the center to indicate to those in the air that a landing could be safely made there. The field is in a tiny valley between two mountain ranges and is at all times dangerous and treacherous because of the cross currents blowing down from the mountain tops or around the mountains down the valley. In this the dry season the air in Nicaragua is devoid of moisture and therefore very light. Airplanes are very hard to handle in such atmosphere, and a landing must be made at a much greater speed than in this country else the plane will drop in an air pocket, lose its flying speed, and crash. Sometimes the sun brings up moisture from Lake Nicaragua, 92 miles long, or Managua, 46 miles in length, and those moisture-laden clouds are blown by gale like winds over the mountain ranges near by. When a plane hits such a heavy cloud after flying in the lighter atmosphere, the results are loss of balance, and as the plane dives again into the light and barely supporting atmosphere the tendency is to drop suddenly, causing often temporary or complete loss of control. If such should happen as a plane was preparing to land on a space-limited field, such as at Esteli, down in a valley, few pilots could recover in time to avert cracking up.

#### AWARD OF CORN CUP TO DAN BICKLEY, OF LEXINGTON COUNTY, S. C.

Mr. BLEASE. Mr. President, I ask permission to have inserted in the Record an article from the Herald and News of Newberry, S. C., relative to the award to Dan Bickley, an 11-year-old boy of Lexington, S. C., of the Southern Railway system's corn cup, which was awarded to him as the grower of the best 10 ears of corn produced in 1927 in the eight Southeastern States served by the Southern Railway.

There being no objection, the article was ordered to be printed in the Record, as follows:

DAN BICKLEY, 11-YEAR-OLD BOY OF LEXINGTON COUNTY, S. C., WHO WON THE SOUTHERN RAILWAY SYSTEM'S CORN CUP IN 1927

COLUMBIA, S. C.—In the rotunda of South Carolina's historic state-house on January 12, Dan Bickley, 11-year-old boy of Lexington County, received from the hand of Governor Richards the Southern Railway system's corn cup, awarded to him as the grower of the best 10 ears of corn produced in 1927 in the eight Southeastern States served by the Southern.

This handsome trophy was offered first in 1925 and was won by Willie Pat Boland, a corn-club boy of Newberry County, S. C. In 1926 it was won by J. A. Patterson of Rowan County, N. C., a young man just out of the State Agricultural College. The names of the three winners have been engraved on the cup as a lasting testimonial of their success.

The cup will remain in the possession of young Dan Bickley until the time for the award for 1928 arrives. The cup will be offered again this year under the same conditions as in the past. In order to contest for the cup, a grower must qualify by winning a prize at one of certain designated State and district fairs for the best exhibit of 10 ears of corn. The contest is open to all corn growers in Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Tennessee, and Mississippi, without regard to age.

The exhibits which qualify by winning prizes at the State fairs will be brought to the office of the general agricultural agent of the Southern in Atlanta and will be judged by a committee of experts. The committee which made the award in 1927 consisted of Director H. P. Stuckey, of the Georgia Experiment Station; Director J. R. Ricks, of the Mississippi A. and M. College Experiment Station; and I. O. Schaub, director of extension in North Carolina.

The judges expressed pleasure and surprise at the high character of the exhibits, and in announcing their decision said:

"The growers who selected these samples showed unusual skill and are to be particularly commended for their efforts. The Southern Railway has performed a real service to southern agriculture in initiating and carrying on this contest. We wish to commend the Southern and the various fairs which have cooperated in bringing together at one central point the prize-winning samples of the various States. The competition serves an inspirational purpose that reaches many farmers. It is bound to have a very material effect in producing better corn throughout the whole region."

#### MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HOWELL resumed and concluded the speech begun by him yesterday. His speech entire follows:

Mr. HOWELL. Mr. President, in my remarks on yesterday respecting the pending joint resolution affecting the Muscle Shoals development, I called attention to the fact and demonstrated that, as compared with private ownership, the advantages of public ownership can and do enable an average



utility plant to be paid for within 12 years. I also afforded evidence that the advantages of public ownership apply in connection with hydroelectric power developments the same as in connection with other utilities. I compared the rates charged for domestic use for small power and for large power in Niagara Falls, Ontario, where public ownership prevails, with the rates charged by an electrical utility for similar service upon the American side of the Niagara River, in Niagara Falls, N. Y., where the people support the luxury of private ownership under legal regulation.

So far as domestic rates are concerned, it is a fact that the average charge to the consumer in Ontario is less than 2 cents a kilowatt-hour, whereas in the United States to-day under private ownership, largely subject to legal regulation, the charges are about 7.4 cents a kilowatt-hour.

I also demonstrated by the bills which I quoted that in Ontario the low rates were not merely enjoyed by domestic consumers but also by power users. I further called attention to the fact that it probably does not cost more than 6 mills a kilowatt-hour to produce electrical energy in the city of Washington and to place it on the switchboard; that in Toronto, for instance, 90 miles from Niagara Falls, that city pays the hydroelectric commission of Ontario 4 mills a kilowatt-hour for energy delivered from Niagara Falls; in short, that the low rates enjoyed in Toronto, an average of 1.7 cents a kilowatt-hour for domestic current during the year 1926, evidently were not due to the mere fact that they had the advantage of hydroelectric power, because the advantage of water power is only about 2 mills, but were due to the three advantages of public ownership, which I illustrated in connection with the publicly owned plants—water, gas, and ice—in Omaha.

Furthermore, I called attention to the fact that taxes, which are so much talked about, average here in the District of Columbia 3 mills a kilowatt-hour for energy sold. Therefore the difference in the cost to private utilities of switchboard energy using steam and paying taxes as compared with Toronto was only about 5 mills and that if the 5 mills be added to the 1.7 cents paid by the domestic consumer in Toronto it would make only 2.2 cents, as compared with the 6 cents now charged the domestic consumer here in Washington, the 10 cents charged here in Washington within the last four years, and as compared with 7.6 cents charged in Birmingham, Ala., supplied by energy purchased from the Government of the United States at Muscle Shoals 100 miles away, or about the same distance that Toronto is from Niagara Falls, at 2 mills per kilowatt-hour, whereas Toronto pays about 2.9 mills at Niagara Falls and 1.1 mills for transmission. Therefore, allowing 2 mills for transmission from Muscle Shoals to Birmingham, the cost in Birmingham of that energy supplied there at a profit—because 2 mills will afford a profit in connection with the transmission—was identical with the cost on the switchboard in Toronto; and yet in Toronto the rate in 1926 was 1.7 cents on an average to the domestic consumer, while the rate that must be paid by the consumer in Birmingham, Ala., is about 7.6 cents a kilowatt-hour. Moreover, the consumer is required to enter into a five-year contract in order to secure service.

Mr. President, in my opinion the following unavoidable conclusions are to be deduced from these facts:

First, that, inasmuch as the difference between the cost of hydroelectric and steam-electric energy seldom exceeds 4 mills per kilowatt-hour, it is evident that, so far as affecting domestic rates in this country is concerned, this difference is of comparatively small moment. What have 4 mills to do with the average rate paid in this country for domestic service?

Second, that public ownership and operation of hydroelectric power plants will avail the public little or nothing if the installation and operation of transmission lines to points of use are to be left to private enterprise, just as is done by the Government at Muscle Shoals. The Government receives but 2 mills a kilowatt-hour for energy delivered to the Alabama Power Co. at that point, which has a transmission line leading from it. The Government has no transmission line; as a consequence, it has to accept for its energy whatever the Alabama Power Co. will pay therefor, as is shown by the fact that Toronto is paying the hydroelectric commission for electric energy at Niagara Falls 2.9 mills.

Third, that we can not expect to enjoy electric rates comparable with those obtaining in Ontario without adopting public ownership of local distribution systems, as well as of power plants and transmission lines.

Fourth, That the development by the public of large, modern steam electric plants and the transmission of the energy developed to points of use, as done in the case of hydroelectric energy in Ontario, will enable large sections of the country to enjoy rates nearly comparable with those obtaining in Ontario, notwithstanding the lack of water-power possibilities.

Mr. President, the Senator from Alabama [Mr. HEFLIN] asked that there be printed in the RECORD on yesterday a letter signed by the president of the Alabama Power Co. I have not had the opportunity of analyzing the letter in detail, but there are certain features thereof to which I have given attention. On page 4403 of the RECORD of that date is found a table forming a part of this letter, in which there are enumerated 13 towns in Alabama that formerly were not served by the Alabama Power Co. In other words, the Alabama Power Co. has purchased the plants in those towns; and the president of the company in this letter sets forth the rates that were formerly charged and the rates that are now charged by the Alabama Power Co. The average population of those towns, 13 in number, is 1,816, and the average rate charged in these 13 towns, all within about 100 miles of Birmingham, is 9 cents plus.

This is a rate resulting, under such conditions, from private ownership. In Ontario, within 100 miles of Niagara Falls, I have selected 13 towns at random, the average population of which is but 1,400, or 400 inhabitants less on the average than the number in the 13 Alabama towns quoted; and what rate do we find public ownership affords these towns, supplied under similar conditions? An average of 2.9 cents, as compared with 9 cents in Alabama.

The able Senator from Kentucky [Mr. SACKETT] on yesterday cited similar facts to those that have been used by myself to show that the difference between the cost of producing electrical energy by water power and by steam is probably only 2 mills. He further went on and urged that a saving of 2 mills would not make any appreciable difference if deducted from the average domestic bill rendered throughout the country. Of course, that must be evident. Then he drew the conclusion that we should not consider public ownership and operation of Muscle Shoals because of the low domestic rates that might result to consumers because such results would be negligible—in other words, that a saving of 2 mills in cost of producing energy is of no moment to domestic consumers.

Mr. President, last year there were over 500,000,000 kilowatts of energy sold to the Alabama Power Co. by the Government at Muscle Shoals. Two mills a kilowatt-hour on this amount of energy exceeds a million dollars. A million dollars placed in a sinking fund, invested at 4 per cent, would equal the total cost of the Muscle Shoals development, \$50,000,000, within 26 years.

Is this a trifle? What is the advantage of a great power, such as that at Muscle Shoals, to municipalities within practical transmitting distance? It means that no municipality served need maintain a separate power plant. All that is necessary is to maintain and operate a local distribution plant. That can be done about as cheaply per consumer in a town of a thousand inhabitants in a well-settled region as in a city of 10,000 inhabitants. Therefore a small town receiving, by transmission, energy from a great central plant such as Muscle Shoals should enjoy, under public ownership, as low electric rates as they have in the larger cities of the same region, just as, for instance, in Ontario.

This is the tremendous advantage arising from a great central power plant. Not only can cities and villages alike have the low rates which they are enjoying in Ontario—less than 2 cents a kilowatt-hour as compared with 9 cents, quoted for these 13 towns by the Alabama Power Co.—but more, for of the 284 municipalities in Ontario, served by the Hydroelectric Commission, 51 have current assets equal to their current liabilities. In other words, the debts of their plants are wiped out, or what is equivalent thereto.

As an example of what a great central electric plant, publicly owned and operated, can do for scattered communities, small and large, is the most valuable use to which we can dedicate Muscle Shoals to-day. We can do with Muscle Shoals on a smaller scale just what Ontario has done with Niagara Falls for both its urban and suburban populations.

Mr. OVERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. OVERMAN. I understood the Senator to say that steam power used for the generation of electricity is cheaper than water power.

Mr. HOWELL. No; not as cheap as water.

Mr. OVERMAN. I understood the Senator to say that steam is cheaper.

Mr. HOWELL. Oh, no. If I made such a statement, it was an error.

Mr. OVERMAN. I may have misunderstood the Senator.

Mr. HOWELL. I assume, for instance, that water power can be developed on an average for about 4 mills. That was

practically the statement made by the Senator from Kentucky [Mr. SACKETT] yesterday. I pointed out that steam power could be developed here in Washington and was being developed here, in all probability, by the Potomac Electric Power Co. for 6 mills a kilowatt-hour, including all costs, capital, and so forth; in other words, that the difference, generally speaking, is only 2 mills; but that difference of 2 mills on the output of Muscle Shoals if no more than that purchased by the Alabama Power Co. last year, would equal more than a million dollars, and that million dollars invested annually at 4 per cent, compounded, would equal \$50,000,000 within 26 years.

Mr. OVERMAN. The reason why I asked the question was that the Senator referred to the possibility of steam plants being dispensed with by the communities in the vicinity of Muscle Shoals which now have their electricity furnished by steam power. Would they scrap those plants and take the Muscle Shoals power? Unless it was very much cheaper, they would not do it.

Mr. HOWELL. Of course, a small steam plant shows no such economy. I had in mind and was contemplating a large steam plant, such, for instance, as is necessary to supply the city of Washington.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. FLETCHER. If it costs 4 mills per kilowatt-hour to produce electric energy, then the Government must be losing about 2 mills per kilowatt-hour at Muscle Shoals now. They are only getting 2 mills per kilowatt-hour for their output.

Mr. HOWELL. Why, Mr. President, of course, the Government is losing money on its investment. Its total income from this plant last year was only about \$1,169,000 at 2.06 mills per kilowatt-hour. It has invested in this hydroelectric plant in the neighborhood of \$50,000,000, and 4 per cent on \$50,000,000 would be \$2,000,000 a year alone; and one of the remarkable recent developments in connection with the Muscle Shoals plant is this:

A year ago this spring I was waited upon by a delegation from the town of Muscle Shoals, Ala. They said, "We should like some of this power supplied by Muscle Shoals for our town. The Government has entered into a contract with the Alabama Power Co. under which the company can take whatever power it sees fit; however, the Government is not prohibited from selling to others and there is a surplus of energy available. We want to buy some for our distribution plant in Muscle Shoals. We have offered the War Department 4 mills per kilowatt-hour to furnish us this energy, but they refused to do so."

I asked, "Why?" Because, they stated, it is urged that if the War Department proceeds to deal with Muscle Shoals, the Alabama Power Co. might take offense, and it is the only large customer for the power. When I inquired into the matter further, I concluded that this refusal was because of a policy adopted by the administration, and hence the War Department did not dare to allow the little community of Muscle Shoals to have electrical energy at a rate twice that for which the Government is selling it to the Alabama Power Co., although the Government has energy to spare.

It is going to waste, as a matter of fact. In short, energy was refused the little village of Muscle Shoals at 4 mills a kilowatt hour, whereas the Alabama Power Co. is paying but 2 mills. Yet there is nothing in the contract with the latter company to prevent the Government from supplying Muscle Shoals if the War Department saw fit to do so.

Mr. FLETCHER. And the Alabama Power Co. does not take half of the capacity of the plant?

Mr. HOWELL. That is practically correct.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. BLACK. I understood that the Senator had learned the reason. I was with the delegation, and I have never been informed as to the reason why the War Department would not permit the town of Muscle Shoals to have it. The Senator did not get his information from the War Department; did he? I am asking for information, because I have been curious to know why they would not supply that power to the town of Muscle Shoals.

Mr. HOWELL. My information came from this delegation, including the mayor, as I remember, and several councilmen. Subsequently I interceded with the War Department and urged that the department could not properly refuse the request under the circumstances. However, I concluded that the department felt that it could not furnish this energy to Muscle Shoals, although it was right under the shadow of the great dam, because other neighboring municipalities might want it also, and to thus supply such municipalities would be contrary to the policy of the administration. In short, the department did not

want to begin anything of the kind, because it was afraid there would be no end to it. The Alabama Power Co. is in the saddle. If we are to take care of the little municipalities throughout Tennessee, Alabama, and Mississippi, we shall have to do for them just what Ontario has done for the little municipalities of Ontario, and our failure to do so would be a lasting shame to Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. COPELAND. Does the Senator understand that under the terms of the Norris resolution the Secretary of War could fix the price at which the current should be sold?

Mr. HOWELL. I should assume that it would be determined by bids. The Secretary would have the bargaining power and, as I understand it, under the resolution he would be required to sell it at the best price that could be obtained, taking everything into consideration.

Mr. COPELAND. I wonder if the measure really does provide for that. That is one question that has arisen in my mind. I think it is extremely important that the Government should have its hand on the switchboard, but I am not clear, from a reading of the resolution, whether or not those municipalities and persons who receive power from the plant would receive it at a cheap price, such as the Senator suggests is being done in Ontario. Perhaps the senior Senator from Nebraska would answer the question.

Mr. HOWELL. I would be glad to have the senior Senator from Nebraska answer the question.

Mr. NORRIS. Mr. President, under the resolution the Secretary of War would be given authority without his hands being tied in any way. It seemed to me, and it seemed to the committee, that we ought to place him in the same position in which we would place a business man to whom we might turn the plant over. I do not think it would be the policy of the Government to say how much money they could make out of it. I would not like to see an amendment put on the resolution that would provide that the Secretary should not charge more than a certain price or should charge under a certain price. I think he ought to be nondiscriminatory in the sale of the power. I think that is the real intent. I have not tried to fix a price.

Mr. COPELAND. The junior Senator from Nebraska was arguing about the cheap price which the people in Ontario pay for current. That raised a question in my mind as to whether or not there was any guaranty in this measure that there would be such a cheap rate here.

Mr. NORRIS. That is not guaranteed in so many words; no. Mr. COPELAND. Suppose there were a Secretary of War who was unfriendly to the principle of Government operation and sought to defeat it by excessive charges. Of course, I understand that the profits would go to this other work, the development of the fertilizer plant; but, nevertheless, the idea of Government operation would have a black eye if the Secretary of War charged excessive rates.

Mr. NORRIS. Yes; it would. There are a thousand other ways by which the Secretary of War could, in effect, nullify any law we might pass, if he started out to do it. I have not assumed he would do anything of that kind. I am assuming he will exercise sensible business judgment and that, in the first place, he will not try to overcharge anybody for electricity, that he will not try to see how much money he can make out of it, and he will carry out, as the law provides he shall, the intent of the law, to see that the surplus power not utilized in the manufacture of fertilizer shall be scattered over the country, within distributing distance, without discrimination against anybody. The intent of the act, I think, is very plainly set forth. But what might be a good price for electricity now might not be good in 5 or 6 or 7 or 10 years from now. I would not like to say to the Secretary of War, "You must sell the current at 2 cents a kilowatt-hour at the switchboard," or that he shall charge 4 cents, or anything of that kind. We have to depend, as a business institution would, upon the managers of this institution to carry out the intent of the law, and we have to give them discretionary power to do that. The Secretary would not carry out the intent of the law if he said, "You can not have this power for less than 10 cents a kilowatt-hour." Nobody would buy it. He would not succeed in carrying out the intent of the law.

Mr. COPELAND. Are we not likely to be met by one of these two situations: In the first place, the Secretary of War might charge a price so high that the municipalities and persons interested might not receive the current at a low price; or he might sell it so cheaply that there would not be anything left to go on with this fertilizer experimentation?

Mr. NORRIS. Oh, no; the fertilizer comes first.



Mr. COPELAND. That is safeguarded in the measure?

Mr. NORRIS. Yes.

Mr. COPELAND. The Senator has already made his reply to the other suggestion.

Mr. HOWELL. Mr. President, again I wish to emphasize the advantages of public ownership of an electric plant.

Mr. GEORGE. Mr. President, before the Senator proceeds, may I suggest to the Senator from New York, and also to the Senator from Nebraska, that the Federal Water Power Commission has jurisdiction in this case. It has jurisdiction, of course, not merely over rates, but it has jurisdiction over service, it has jurisdiction over capitalization, and, where the company developed is private, over all water-power improvements put in navigable streams or on public reservations; so that the Federal Water Power Commission has jurisdiction in this case.

Mr. COPELAND. Would it have under this resolution?

Mr. GEORGE. I was going to suggest, it could easily be given the jurisdiction to fix and regulate the rates and service.

Mr. NORRIS. Mr. President, if my colleague will yield again, I had a communication from the executive secretary of the Federal Power Commission, and I regretted very much that I had not received that communication before the committee had acted upon this resolution, and before it was brought into the Senate. He made several suggestions, one of which was that we give to the Federal Power Commission the same jurisdiction I give under my resolution to the Secretary of War. I would not have any objection to that whatever. That commission is very well equipped to handle the matter.

Mr. GEORGE. The Secretary of War is a member of the Federal Power Commission, as a matter of fact.

Mr. NORRIS. Yes; he is.

Mr. GEORGE. I merely suggest that would be a relief from all practical difficulty, and it would insure a uniform and non-discriminatory rate.

Mr. NORRIS. If Senators think it ought to be safeguarded, while I do not want to put a limitation in the resolution that would take away the discretion, it is perfectly agreeable to me to provide by an amendment, if the Senate wants to, although I do not think it is at all necessary, that the rates and the regulation of rates, all jurisdiction about rates that shall be charged, shall be under the jurisdiction and control of the Federal Power Commission. They are equipped to do the work, they have the experts, and the Secretary of War, I assume, would avail himself, he being a member of the commission himself, of anything of that kind. If the Senate wants to be more specific, I have no objection.

Mr. SMITH. Mr. President, I want to ask the Senator, before he takes his seat, whether in the absence of any legislation specifying that the Power Commission would not do it anyway?

Mr. NORRIS. I judge it is the opinion of the Senator from Georgia that they would.

Mr. GEORGE. I think they could. They might not do so; but I think they could.

Mr. NORRIS. At least there would be no confliction.

Mr. GEORGE. There would be no confliction.

Mr. NORRIS. The Secretary of War is a member of the commission anyway. I do not think it would change the effect one particle, but I have no objection to putting the amendment on the resolution. There is always danger, however, when we are delegating authority, especially when we come in competition in a business way or semibusiness way, that by trying to be specific we take away the discretionary power, and that it will come back to trouble us on something else we do not think of at the time we pass the legislation.

Mr. COPELAND. Mr. President, will the junior Senator from Nebraska yield for one more question?

Mr. HOWELL. I yield.

Mr. COPELAND. The senior Senator from Nebraska says that the experimentation in fertilizer is provided for and that this experimentation is the first call upon the Secretary of War; but, of course, that is predicated upon the idea that he will have funds from the sale of power. If he were generous enough to sell this power at a very low rate, for the benefit of municipalities in the locality, there might not be any profit.

Mr. NORRIS. Yes; that is true, but does the Senator think, with the provision in the law as to what we are going to do with the surplus, provision made for turning it over to the Treasury, and its segregation there in this particular fund, that the Secretary of War would say, "Well, I don't want any fund there, and I will give this away"? He might do that, and, of course, if we gave jurisdiction to the Federal Power Commission, it is possible that the Federal Power Commission would be corrupt, and that they would say, "We will charge a dollar a kilowatt-hour, and just kill this thing right off." That is possible. If we should turn it over to the President, we might

get a President who would do the same thing. There are a thousand ways in which anything can be killed, if we assume that the things would happen which everybody has to admit might possibly happen.

Mr. FLETCHER. Mr. President, may I suggest that the statement of the junior Senator from Nebraska seems to me to suggest some possibility that constitutes a greater danger than other things that might be mentioned. For instance, suppose we authorize the Secretary of War to complete these dams and to do this and to do the other thing. But suppose we are in the hands of an administration that does not approve of that policy, we would be right back to the present condition, that here we have power going to waste, and the department will not let the city of Muscle Shoals have one kilowatt of it, even though they offered twice as much as the Alabama Power Co. is offering for what they choose to take. If we are in that situation, where do we get by simply authorizing the doing of certain things?

Mr. NORRIS. Can the Senator from Florida suggest a way the thing could be done so that no one could imagine a condition of things that would thwart the purpose?

Mr. FLETCHER. I confess that is the great difficulty in my mind.

Mr. NORRIS. I confess I am not able to imagine such a condition. I can not draft a resolution which can not be nullified if we assume that those who are supposed to carry it out are dishonest, or that for any reason they do not want to carry it out. If I were starting in now, after all the debate has taken place, and with all the communications I have had, to draft a new resolution, I think I would provide for supervision of these rates by the Federal Power Commission rather than by the Secretary of War. I think that would be an improvement. As a matter of fact, when it comes to carrying out the measure in practical application, I do not think it would make a particle of difference, because the Secretary of War is a member of that commission, and his employees and those of the commission would be practically the same; but it would be perfectly agreeable to me to say that the Federal Power Commission shall have jurisdiction to fix these rates, or that any other board that is properly equipped for it shall have jurisdiction. We must concede that that commission is better equipped, perhaps, than any Federal board that we have.

Mr. FLETCHER. We might also, instead of merely authorizing, direct and compel the doing of things in the law itself.

Mr. NORRIS. I know we might. That is a dangerous thing to do, because we do not know what the conditions will be next year even; and we would not do it as a business proposition. We must assume, for the purpose of any legislation, that the executive officers are going to carry it out in good faith, and we know we may have a different Secretary of War to-morrow. If we should turn it over to the commission, all three members of the commission might change to-morrow, they would change with the change of an administration always; but the real experts, the men who do the work, will probably be the same from one administration to another, as has been the case in the past.

Mr. HOWELL. Mr. President, let me reiterate this fact: It does not make much difference what charge is made to a municipality for energy at Muscle Shoals, it will always be within the limit of what steam-electric power would cost, and steam power would be only about 2 mills more.

If Ontario had no Niagara Falls, if Ontario did not own 21 other hydroelectric plants besides Niagara Falls, if Ontario were in a position to purchase coal for \$4 a ton and operate a steam electric plant instead of a hydroelectric plant, it could still afford service in Ontario at rates comparable to those charged to-day. Why? Because they are publicly owned, and they all would enjoy the three advantages of public ownership which I have enumerated.

Mr. President, in view of the facts presented, why should we shrink from public operation of the great Muscle Shoals power plant? We own it. We have been long committed to public ownership and operation of utilities generally. Every sewage system is a public utility and publicly owned, though there are exceptions—cities which have granted franchises for this utility. In my State, the most profitable public utility of which I have knowledge is such a sewage system.

Forty years ago the promotion of water plants was nearly as popular as the promotion of electric plants to-day. My first employment as an engineer was by a gentleman who had promoted, constructed, and rebuilt some 20 water plants. To-day there are but two major cities in the country that do not own their water systems. Public ownership and operation of this particular utility, as in the case of sewage systems, is nearly universal. Why, then, should we hesitate respecting electric



plants, whether operated by steam or water power? Is it not a fact that if, like water plants, they were not highly profitable, there would be little objection?

The electric utility business in this country is highly profitable, so profitable in fact that there has been a pyramiding of electric securities that has no counterpart save in the days of the frenzied financing of our railroads. Congress is responsible for the expenditure of about \$50,000,000 upon the Muscle Shoals development. The pending resolution includes a plan that will ultimately render this tremendous expenditure worth while to the public, and especially that public within striking distance of Muscle Shoals.

However, if this resolution fails, and Muscle Shoals ultimately falls into private hands, it will not result in cheap fertilizer or the cheapening of electric energy, distributed therefrom in any appreciable degree—in short, Muscle Shoals will continue to be just what it is to-day, a net loss so far as the people who have paid the bills for the construction of that great hydro-electric plant are concerned.

When I listen to the stock objections to public ownership and operation offered in connection with Muscle Shoals I can almost hear voices out of the dim and distant past—reverberations from the Roman forum about the time of Cæsar.

A majority of the dwellings in ancient Rome were constructed of wood and, as a consequence, a conflagration, under favoring circumstances, often swept extensive areas of the city. Fire was the terror of Rome in those days, there being no adequate provision for contending with this consuming element. Crassus, who, if he were living in the present, would have been one of the leading captains of industry, hit upon an idea in this connection. He organized a private fire brigade composed of slaves. Training his organization with great care, he equipped it with all the fire-fighting appliances known at that time, including a few of his own invention. Not only that, he stationed lookouts in various parts of the city to bring word of a threatening fire in the shortest possible time. At first thought, one might conclude that Crassus was a highly public-spirited man. But wait! When a fire broke out, Crassus, or one of his agents, and the fire brigade were promptly on the ground. Did they proceed to put out the conflagration at once? Oh, no. Instead, they sought out the owners of the adjacent threatened properties and demanded what they would take for their holdings. If the price was too high, the laconic reply was, "Let it burn." If the price meant a bargain, the fire was ordered extinguished. As a result, Crassus became the largest real-estate owner in the imperial city. Not only did he become the Astor of Rome, but the J. P. Morgan also. Subsequently, I presume, a tribune arose and urged that it was a scandal that people's property should be taken for a song as the result of threatened danger. Why not a publicly owned and operated fire department?

I said I almost could hear voices out of the dim and distant past. Yes; I imagine I can hear them now, charging that "our form of Government is not adapted to public ownership of a fire department; our present system is good enough; why change?" That "the public ownership of a fire department will increase taxes"; that "public ownership can only be inefficient and wasteful"; that "a publicly owned fire department will give poorer service than one privately owned"—and that "such a step will sound the knell of private initiative." Of course, I hear nothing about socialism, because they did not know anything about it in those days. However, public ownership ultimately triumphed, and from that time until this there have been public fire departments. Surely, history repeats itself now in connection with Muscle Shoals.

Mr. TYSON. Mr. President, I know the Senate is worn out with the discussion which we have had here so many days, but as the subject affects my State so materially I feel that it is incumbent upon me to say something in regard to it. I have listened with a great deal of interest to all that has been said. I have attended the sessions of the Senate and have listened to nearly every speaker who has spoken on the subject. I know the importance of the subject, it having been before the Senate for something like 8 or 10 years and not yet disposed of, a matter which is getting on the nerves of the American people as well as of the Senate and the other branch of Congress.

I believe that everyone who has undertaken to solve the problem has tried to solve it in the best interests of his country, but it has not yet been solved. It must be solved, and I think it ought to be solved without any further delay if it is possible to do so. In solving the problem we can not possibly solve it exactly as each one of us would like to have it solved. I have no doubt it will be a compromise solution at last, as has been said by the distinguished senior Senator from Nebraska [Mr. NORRIS], who has spoken so fully upon the subject.

The Government has at Muscle Shoals a very great investment of something like \$150,000,000. Every day of delay, it seems to me, we are not only losing interest on our investment but losing still more which we might earn on that investment if we had the property properly in operation. Many bills have been brought before the Senate; some of them are perhaps good bills; but none of them have been entirely satisfactory, and certainly have not received the support of a majority of both Houses of Congress.

The joint resolution which is now before the Senate has had nearly the unanimous recommendation of the Agricultural Committee, only two members, as I understand, voting against it. I am especially interested in keeping this question before the Senate and having it concluded, for two reasons: In the first place, I have a desire as a Senator of the United States to have it settled; and, in the second place, I am greatly interested in the matter because of the profound interest my State has in it and because of the fact that delay has had a bad influence upon the industrial development of my State.

The State of Tennessee is supposed to have as much of hydro-electric possibilities as has any State east of the Mississippi River, and yet, notwithstanding that, the State of Tennessee has not developed anything like as much hydroelectric power as has been developed by many of the other States of the South. There have been filed a great many applications for permits to develop water power in the State of Tennessee during the last three years; it has been desired to develop the water power on a very large scale; but owing to the fact that the Senate and the House of Representatives could not come to any conclusion or pass any bill on the subject, or dispose of Muscle Shoals, such development in my State has been very badly retarded. There are now on file with the Federal Water Power Commission 37 different applications for permits to develop water power in the State of Tennessee, and yet not a single permit has been granted during the last three years.

I wish to read to the Senate a list of the applicants for such permits, in order to show that they have not been asked for by one big power corporation but by a number of them. Three have been asked for by the Holston River Power Co.; 3 by the Tennessee Eastern Electric Power Co.; 5 by the Tennessee Hydroelectric Co.; 4 by the Union Carbide Co.; 11 by the East Tennessee Development Co.; 1 by Allen, Slining & Spaulding; 1 by H. A. Spaulding; 4 by the Federal Power Co.; 1 by Robert G. Gordon; and 4 by the Eastern Tennessee Electric Co. There are altogether 20 sites, and 37 applications for the 20 sites, and yet no permits have been granted during the last three years.

However, I am glad that the Senator from Nebraska [Mr. NORRIS] has at last put before the Senate a joint resolution that with certain amendments I hope will accomplish a solution of this problem. That Senator more than any other Senator, perhaps, has been responsible for the delay in the development of Muscle Shoals. I do not claim that he has not acted in the best interest of the country as he saw it, but whatever effect his activity may have had on the country at large, it has had, as I see it, a very bad effect upon the State of Tennessee.

In order to show the amount of power which has been developed in Tennessee in comparison with other States that have no such amount of water-power possibilities as has Tennessee, I wish to read the record as contained in Geological Survey Bulletin 20804, under date of February 11, 1928:

Developed powers in Southeastern States: Virginia, 141,471 horsepower; North Carolina, 643,768; South Carolina, 574,478; Georgia, 463,453; Kentucky, 142,255; Tennessee, 177,425; and Alabama, 646,423.

In other words, we are behind all but two of the other great Southern States that have possibilities of power development, that condition having been due partly to the fact, perhaps, that the Tennessee Basin has not been fully surveyed; but largely, if not mostly, due to the fact that Muscle Shoals has not been developed.

The joint resolution which is before the Senate provides for a method of disposing of Muscle Shoals. In the first place, it provides for completing the dam. That is considered very important, and I am strongly in favor of that. It will take about \$8,000,000 to do that work, and about a million dollars more to complete the steam plant. It is not necessary, however, to complete that development unless it shall be desired to do so, as already a very large amount of horsepower can be developed there provided the steam plant is run regularly, which I understand has not been done during the last two years since the Government has been operating it.

The second section of the joint resolution provides that the current generated shall be sold to States, counties, municipalities, and so forth; and the preference shall be given to such



States, counties, and municipalities purchasing the current. That may be a very good provision, and it does give an advantage, in a sense, to States and to such municipalities as may want to buy current; but it is further provided that the current must be equitably distributed among the States within transmission distance. While I am in favor of giving every State that wants to obtain power as much of a preference as can be given, and at the same time conform to good business methods, I doubt very seriously if these conditions can be carried out—that is to say, giving preference, and at the same time equitably distributing the power—for the reason that there are necessary limitations, and I think much confusion will ensue. However that may be, I am satisfied to vote for such a measure if it can be carried into effect.

Mr. President, we are undertaking to change the nature of this great plant; that is to say, it was built for the purpose of producing fertilizer for the farmers in time of peace and to manufacture nitrates for explosives for the Government in time of war. What is proposed under this joint resolution is to change the nature of the plant and to make it largely a power plant, and to make the fertilizer feature merely incidental. There is no bill that has recently been brought before the Senate which proposes to place the production of fertilizer on a parity with power production. Even the cyanamide bill, which is not now before the Senate but has been considered by the committee, makes the fertilizer feature secondary, because it is made conditional, whereas the production of power will go on continuously and, if the power can be sold, will be a continuing operation. There are conditions in all the measures which have been presented to Congress, as I understand, which will make fertilizer a secondary consideration.

Mr. President, we are faced with the problem of determining what is the best method of disposing of Muscle Shoals. I do not believe that all of the power that can be generated there is necessary in the manufacture of fertilizer; that is to say, we will have a great deal of surplus power even if we manufacture fertilizer to the utmost limit of 40,000 or 50,000 tons of nitrate, as is provided for in the most favorable bills that have been presented.

The pending joint resolution provides that the Secretary of War shall operate the plant at Muscle Shoals. It is a question whether or not the plant should be leased for power purposes or whether it should be operated by the Secretary of War, which amounts, of course, to its operation by the Government. From what has been said here, we must consider whether we are going to undertake to make of Muscle Shoals a plant at which to demonstrate how to manufacture and distribute electric power as cheaply as possible, or whether we are going to try to get out of it as much as we can in the interest of the farmers of the country by manufacturing fertilizer as cheaply as possible.

My idea about the operation of the Muscle Shoals property is this: As I have said, we will not require anything like the power that will be generated there for the manufacture of fertilizer. At the same time, I want to see as much fertilizer manufactured there as can be manufactured and sold to the farmers.

I know that they are not going to buy fertilizer unless it can be bought under as favorable conditions and as cheaply as it can be bought from private manufacturers. If we can make it cheaper there and sell it to the farmers, I want to see that done, whether by private operation or by Government operation. I do not know whether it can be done there so as to make fertilizer cheaper, but I think we ought to make the effort to see if it can be done. I am in favor of the most extensive experimentation, either by private or by Government operation, in order to ascertain what is the best method of manufacturing fertilizer and whether it can be manufactured there, either on a small scale or a large scale, in such a way as to make it available more cheaply to the farmers.

But, in addition to all that, there is a very great amount of power that can be generated there, and if the plant is properly administered and the money received from the sale of the surplus power is properly applied, I think, possibly, the farmers can be very greatly aided in securing cheaper fertilizer than they have heretofore ever been able to obtain.

Mr. President, the question is whether we are going to undertake to operate this plant as a power proposition on business principles, or whether we are going to undertake to sell the power at a price that will be satisfactory to certain people, at a lower price than could be obtained if we should go out in the open market and sell it to the highest bidder. That is the question. Shall we sell it now to the highest bidder and get the greatest amount of money out of it, or shall we sell it for such price as will be satisfactory to certain people who may have the idea that the Government ought to sell it cheaper than

would anybody else? Considering it as a business proposition, the thing to do is to sell it at the market price. My idea about selling anything is that it should be sold at the market price. When the Government undertakes to sell anything else it sells it at the market price. If it has land anywhere in the country or supplies which it desires to dispose of, it obtains the best price it can for such land or such supplies; and that is my idea as to the operation of the power plant at Muscle Shoals—to get a fair and reasonable market price and use all of the surplus money which may be obtained, first, in taking care of interest on the investment at Muscle Shoals, and then applying all the surplus to the manufacture, experimental or otherwise, of fertilizers for the benefit of the farmer.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. TYSON. I yield to the Senator from Maryland.

Mr. BRUCE. Rather than sell it, why might the Government not lease this great property under such conditions and terms as might be thought best for the purpose of promoting the production of power or of fertilizer or what not? In other words, why might not the Government deal with it just as cities now so often deal with property rights they have in their streets? Cities give long leases with a provision that, after a certain time, the title to the property shall revert to the city, and in the meantime the lessee or the grantee of the franchise, of course, pays annual rentals to the city. That practice we pursue most satisfactorily in the city of Baltimore.

In addition to what the city derives by way of compensation from public franchises in its highways, some years ago the city of Baltimore constructed a number of large docks and piers for the accommodation of the commerce of the port of Baltimore. Those docks and piers have been leased, and the commerce of the port has been very much promoted thereby, and the city has received, of course, annual rentals from the spaces leased. It seems to me such a plan would be much more satisfactory than an outright sale of the Muscle Shoals property, for then the title to the property would be gone forever from the public, and nobody would know just what uses it might be put in the future. It might be very difficult to tie the property up with such restrictions and conditions as to carry out the public purpose that might have inspired the transaction.

The main thing that I am opposed to in this case, if the Senator will pardon me for a moment, is Government operation. I have no faith in it, and I think that it has loaded down this Muscle Shoals situation from the beginning like the Old Man of the Sea. The only real reason why some satisfactory solution of this Muscle Shoals question has not been reached already is because these visionary suggestions of one kind or another, originating in theories of Government operation, have been brought forward and have made any practical disposition of the property impossible. If that element had not come into the case, I think that long, long ago the property would either have been sold by the Government, as is now being suggested by the Senator, or, better still, would have been leased by the Government. I think the sooner we cut adrift from all these suggestions about Government operation the better.

Mr. TYSON. I had not intended to say that I wanted to sell the property, Mr. President.

Mr. BRUCE. The Senator used the word "sale."

Mr. TYSON. I only used the expression "sale of the power," not of the property.

Mr. BRUCE. Oh, I misunderstood the Senator. I ask him to excuse me.

Mr. TYSON. I would not think of either selling it or leasing it for any long term of years.

Mr. BRUCE. I think it would even be a great deal better to sell it—inadvisable as that would be—than to have it operated by the Government, because I know that such operation will simply result in inefficiency and waste and in deficits from year to year. I agree with the Senator, however, in thinking that there is no occasion to sell the plant. The right thing, in my judgment, is to lease it on proper rentals and subject to proper conditions and restrictions of every kind, and with a clause for recapture after the end of 40 or 50 years. That is the time which is usually fixed in Baltimore, if my memory does not fail me, when we lease franchises in the public streets. At the end of the lease the title to the property reverts to the city.

Mr. SIMMONS. Mr. President—

Mr. TYSON. I yield to the Senator.

Mr. SIMMONS. Let me ask the Senator from Maryland a question. Does the Senator mean that he would lease this power without any restrictions as to what use should be made of it?

Mr. BRUCE. No, Mr. President; I do not mean to say that, because there would appear to be some special uses to which the property might be profitably turned. Perhaps it might be applied to a threefold purpose: To the production of nitrates, if that be deemed expedient; to the production of power; and to the production of fertilizers.

Mr. SIMMONS. The Senator realizes, does he not, that one of the greatest needs of the farmer to-day is a cheaper fertilizer, and that means a cheaper nitrate than we now are able to get, or have been in the past able to get; and does not the Senator think that the Government, owning this great power plant, in case it should lease it, should provide specifically and unequivocally for the use of it to such an extent as may be found practicable for the purpose of manufacturing a cheaper nitrate?

Mr. BRUCE. I have no objection at all to that, provided the operation of the property passes into private hands, with the superior efficiency and economy that always attaches to private operation.

Mr. SIMMONS. Would the Senator go further than that and agree that the primary purpose specified in such legislation as Congress may see fit to enact should be the production of fertilizer?

Mr. BRUCE. Yes; I would, provided, as I say, the property passed under private control. I would object to that as far as Government operation was concerned, first, because if I am not wrong Government operation is very inefficient and wasteful, and, secondly, because it is not fair to the people of the United States that the Government should come into competition with private enterprise. If the Government rates were really lower than they should be, lower than working conditions justified, of course the deficit would have to be made up, not by the people who were in the immediate vicinity of Muscle Shoals alone but by the entire people of the United States; or, in other words, by the Treasury of the United States. The result would be just the result that has followed from the Government subsidization of the Mississippi Barge Line. New Orleans, because of its site on the Mississippi, derives very considerable advantage from that barge line, which is conducted at a loss by the Government; but it does so at the expense of the other great Atlantic seaports, including Baltimore.

Mr. McKELLAR. Mr. President—

Mr. SIMMONS. But the point I wish to call to the Senator's attention is this: While it would be probably true, as he said, that that part of the power that was used in making a mixed fertilizer might give an advantage to the local customer which the more distant customer would not enjoy, the proposition that I am in favor of contemplates two things: First, that we shall make nitrogen, and then that we shall mix not all of that nitrogen with other elements so as to make a perfect fertilizer, but that we may secure the concentrated nitrogen. The volume of that is small, and the freight on that nitrogen to the most distant part of the United States would be very inconsiderable, and it would be probably less than the rate for which nitrogen obtained from Chile can be carried to the more distant parts of the country. I would provide for both those conditions: First, mixed fertilizer for the use and benefit of those who lived within a reasonable radius, and were able, therefore, to bear the freight rate; secondly, the manufacture of nitrate alone, that may be shipped without much cost to the most distant parts of the country, so that every section of the country would enjoy the benefits of cheap nitrogen.

Given cheap nitrogen, the farmer is going to get cheap fertilizer; and one of the greatest problems that confronts agriculture to-day is that of cheap fertilizer. Take the barren hills of western North Carolina that formerly were considered hardly worth cultivation. They are now producing crops that are far above the average produced in the richest natural soils of this country. Why? Because the people of those regions have learned how to apply fertilizer to the soil to the best advantage, and to improve the soil gradually and rapidly, so that they are producing large crops. When, however, the fertilizer is so high that it takes an unreasonable proportion of the profits from the cultivation of the crop to pay for the fertilizer, it does not result in the net benefit to the farmer which he has a right to expect.

If the Senator will pardon me a little bit longer, during the war, when the question of large production was one of great emergency, we started this scheme at Muscle Shoals to produce nitrogen from the air, with the hope of producing it more cheaply than the cost of imported Chilean nitrates. That was no reason why we could not get nitrates from Chile during the war. There was no blockade against us, no impediment in our shipping facilities, with reference to that country; and the first act that we passed upon this subject specifically dedicated this plant to

the production of nitrates from the air, so that the farmer might eventually get cheap fertilizer.

The war closed. We ceased to use the plant. Private industry did not supply what was necessary in order to give the farmer cheap nitrates, and private capital having failed in its opportunity and its duty to furnish the farmer with a cheap nitrogen we are now discussing the old question, whether it is not now the duty of the Government, by some plan, to use this particular property which belongs to it, and which it paid for, so that the farmer may get what he needs so much, and which would be a greater relief to him to-day, I will say to the Senator, than a lower freight rate.

The farmer has many problems. High freight rates constitute one of his problems, and a serious one; but the most serious problem that confronts the farmer in my country, and I think in other sections of the country where they are using fertilizer at all, is the high price of nitrates, which makes the high price of mixed fertilizer; and the amount that he has to pay for it operates to reduce his net profits to such an extent that it leaves him scarcely sufficient for a mere living.

Mr. BRUCE. I will say to the Senator from North Carolina, if the Senator from Tennessee will excuse me just one moment, that if this property should be leased to private parties I am absolutely in favor of the farmer being given a preferential claim on its benefits.

Mr. SIMMONS. I am very glad to hear the Senator say that.

Mr. TYSON. I wish to say, in that connection, that I have not stated that I am in favor of Government operation except as a last resort. My idea—and I have offered an amendment to the pending joint resolution to that effect—is that the Secretary of War should lease the plant, and, failing to find a satisfactory lessee, then he should operate it.

I am in favor of private operation wherever it can be done as well as or better than Government operation; but there are times when the Government has to operate, and whenever that time comes and we have something that is necessary to be done, and we can not get anybody else to do it satisfactorily, then my idea is to have the Government do it as a last resort.

It may be the case here that we can not properly and satisfactorily lease this property. If we can not do it, then I want to see the Government operate it to the very best advantage in the interest of the farmer and make all the fertilizer it can at the lowest price it can, and sell the power that is surplus at the best price it can, and get all the money it can, and use it in the interest of the farmer. The idea of taking this plant—after we have all heard so much about dedicating it to the farmers of this country for manufacturing fertilizer—and making it into a philanthropic exposition of what can be done in the manufacture and sale of power, it seems to me is not a proper one. If we want to go into the power business and show what can be done with power, let us do it, and dedicate a power development to that particular object and not to fertilizer.

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. TYSON. Certainly.

Mr. BRUCE. Does the Senator think there would probably be any real difficulty about leasing this property to private parties if the Government took the proper steps to do it?

Capital is very eager to utilize water powers throughout the country, and we all know at what a tremendous pace the development of water power has gone in recent years. If the Government would frame its suggestions properly and invite bids for leases, it is inconceivable to my mind that, with the enormous amount of capital we have in the United States and the spirit of enterprise that is rife in the United States, the Government would not be able to lease the property, subject to proper restrictions and conditions, to private business agencies.

Mr. TYSON. I think it is going to be a very difficult thing to lease this property, in so far as the manufacture of fertilizer is concerned. I do not think there will be any difficulty in leasing it in so far as power is concerned. I believe that the Government can get plenty of lessees for the power, because that is something that can be sold and is being sold regularly at a profit, and you can not ordinarily get people to go into business unless they feel they are going to make a profit; but nobody has yet been able to show that a profit can be made in the manufacture of fertilizers at Muscle Shoals.

Mr. BRUCE. Does not the Senator think that if private parties could not make a profit out of the plant, the Government could not do so? What reason is there to believe the Government could make a profit out of any enterprise out of which private parties could not make a profit?

Mr. TYSON. No effort has been made at Muscle Shoals to manufacture fertilizers, and we have had bids on the part of



the Cyanamid Co. during two sessions of Congress. The Associated Power Cos. came here and made a bid at the last session of Congress, but neither one of the bids was at that time accepted. As to whether or not they could have made fertilizer at a profit, I do not know. They assumed they could make it at a satisfactory profit if they had the power as a subsidy; but there is no question in my mind that every bid we have ever had before Congress has been a subsidy bid, because nobody has up to the present been willing to go down there and take over the fertilizer plant and undertake to make fertilizer and sell it to the farmers, even though we were willing to furnish the power at a very low price.

As I understand it, the Senator from Nebraska has introduced a bill which would permit the Federated Farmers' Union to use nitrate plant No. 2 without a single dollar of expense for rental and give them other things which would be valuable to them. Yet, so far as I know, they have made no effort to accept this proposition. Therefore it is a question now whether we can manufacture fertilizer at Muscle Shoals or not. My idea is that we ought to make the effort. The Government is the only one that can or will make the effort, and I think we ought to spend some money in trying out that effort before we say it can not be done.

Last year the Senator from Illinois [Mr. DENEEN] made a speech in regard to the manufacture of fertilizer at Muscle Shoals, in which he showed that at that place nitrates could be manufactured by the synthetic process at \$94 a ton, that ammonia could be manufactured at \$156 a ton, and that if the synthetic process were used at any other place in the United States it would cost \$96 a ton, or \$2 a ton more than to manufacture at Muscle Shoals. That is only an estimate. Nobody knows exactly what can be done until it is tried out.

If that is the case, it seems to me that Muscle Shoals, after all, is not an impossible place for the manufacture of fertilizers, and as it has been dedicated to the farmers of the country, I think we ought to try it out, whether by private operation or by Government operation.

Mr. BAYARD. Mr. President, I want to ask the Senator a question if he will yield.

Mr. TYSON. I yield.

Mr. BAYARD. The Senator is speaking continually—and most of our colleagues have been speaking all the way through—about the manufacture of fertilizer. As a matter of fact, when the Government first installed the plant at Muscle Shoals, or started to install it, it was for the sole purpose of extracting nitrogen from the air, was it not?

Mr. TYSON. To be used for the manufacture of explosives in time of war.

Mr. BAYARD. That was one of the bases of phosphate, as they call it.

Mr. TYSON. Not the basis.

Mr. BAYARD. It is one of the bases of fertilizer, is it not?

Mr. TYSON. It is combined with phosphate.

Mr. BAYARD. The resolution of the Senator from Nebraska [Mr. NORRIS] provides for doing more than that. One object is to get out the nitrate, and the other is to have a fertilizer plant, using the nitrate as one of the mixtures in making up the fertilizing product. Is not that correct?

Mr. TYSON. I understand the Senator from Nebraska desires through his resolution for experimentation in the manufacture of nitrates, and then in the combination of these nitrates with other fertilizer ingredients, making fertilizer and distributing it throughout the country, as far as possible, to aid the farmers in ascertaining just what kind of fertilizer is best for each farmer to use on the particular kind of soil on which he has to use fertilizer.

Mr. BAYARD. Yes; but the Senator from Nebraska wants the operation to be conducted on the basis of the manufacture of general farm fertilizers. Is not that right?

Mr. TYSON. I understand the resolution also provides for experimentation plants for the manufacture of nitrates or phosphoric acid—whatever is necessary in the manufacture of fertilizer.

Mr. BAYARD. As a matter of fact, historically speaking, the Government took this place over and established a plant primarily for the purpose of extracting nitrates to be used for governmental purposes simply, and thereafter, when the opportunity is presented now by the Government no longer having that use for the plant, the idea has been to take over that plant and to manufacture not only nitrates but fertilizers as well.

Mr. TYSON. I understand so.

Mr. BAYARD. And all at Government expense.

Mr. TYSON. The Government's idea was to manufacture fertilizers in time of peace.

Mr. BAYARD. But it was not originally the idea to manufacture fertilizers in time of peace; it was simply to produce nitrate, was it not?

Mr. TYSON. I understand it was to manufacture nitrate to be put into fertilizers for the farmers in time of peace, and I assume that there was also to be a manufacturing plant at Muscle Shoals for the production of fertilizers.

Mr. BAYARD. A general fertilizer plant, notwithstanding the fact that the only thing gotten out of the plant by the actual operation was nitrate from the air, and that they would have had to buy and bring together and mix all the other ingredients going into fertilizer?

Mr. TYSON. I understand that is the only thing we have there now, a plant to manufacture nitrates, and nothing more.

Mr. KING. Will the Senator yield?

Mr. TYSON. I yield.

Mr. KING. Mr. President, I have understood that the resolution before us, offered by the Senator from Nebraska, sought to utilize Muscle Shoals for power purposes rather than for the manufacture of fertilizers. I have understood that the issue presented for determination by the Senate was whether Muscle Shoals, including the power to be developed from additional dams in the Tennessee River, was to be devoted to the production of hydroelectric energy which was to be sold by the United States to the people residing in that vicinity, or whether the needs of the farmers were of primary and paramount importance and the power developed at Muscle Shoals and vicinity should be used to manufacture nitrogen and various forms of fertilizers for agricultural purposes. I do not want to misinterpret the position of my friend the Senator from Nebraska, but I had supposed from the discussion in which he participated that his position was that the power developed and to be developed was to be distributed for lighting and heating purposes and that if there was any surplus that it might be used by the Government for experimental purposes in connection with the production of nitrogen from the atmosphere.

I call attention to the fact that the Government has already expended millions of dollars in its efforts to obtain nitrogen from the air. Plant No. 1, costing more than \$13,000,000, was employed to develop nitrogen. Several millions of dollars in addition were expended in these experimental activities. The whole sum has been wasted. If I understand the Senator from Tennessee, he contends that the Senator from Nebraska does not make the production of power the principal purpose of this bill or that he regards as of paramount importance the production of nitrogen as the basis of fertilizers. Mr. President, if the Senator from Tennessee is correct, I have not understood the arguments in support of the pending resolution. I have understood from its advocates that a "Power Trust" exists and that electric energy is to be developed at Muscle Shoals for the purpose of furnishing cheaper power to the people and breaking the so-called power monopoly. I have understood from the debate that it was intended by the supporters of this bill that the Federal Government should spend millions of dollars to build power plants and distributing systems; to furnish electricity to the people to illumine their houses and streets and to aid them in their industrial enterprises; that in this undertaking it was to be hampered by no State laws or the utilities commission of any State. It was to generate power, sell and distribute the same, without regard to private corporations or the limitations fixed by State laws or by State commissions set up for the purpose of regulating power rates. If I am in error in the conclusions which I have reached respecting the purpose of this bill, I shall be glad to be set right.

Mr. TYSON. I understand that is the position of the Senator from Nebraska, so far as power is concerned; but I think the Senator from Nebraska at the same time desires also to do everything he can to see that the farmer gets nitrates that will be suitable for fertilizer, and that we experiment in such a way so that the farmer will get the very best results from the manufacture of fertilizer that can be had, and that the money which is to be received from the sale of power is to be used for the benefit of the farmer. I think the Senator from Utah has not given the Senator from Nebraska credit for the full idea of this resolution.

I agree with him in so far as his idea about power is concerned. I think he has it exactly right, but I agree with the Senator from Nebraska in so far as he goes in the matter of aiding the farmer in the manufacture of fertilizer. I do not think he goes far enough.

Mr. KING. Mr. President, will the Senator permit a further inquiry?

Mr. TYSON. I shall be glad to.

Mr. KING. I think the Senator's statement corroborates my interpretation of the position of the Senator from Nebraska.

He wants the Government to use Muscle Shoals for the generation of power which is to be sold to private corporations and to individuals, and the proceeds thereof, or a portion of the same, may then be devoted to experimentation for the purpose of obtaining nitrogen from the air; but power is the great object; the generation of electric power is the primary thing in view. If revenue is derived from its sale, then it can be used by the Government to produce nitrogen. However, in the meantime we are to appropriate \$2,000,000 out of the Treasury to be available for use by the Department of Agriculture for further experimental purposes by that department.

Mr. TYSON. I do not think the Senator goes far enough. A part of section 6, subdivision (b), provides:

To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants.

Providing there is enough revenue to be derived from power. It also provides:

Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce; and

(d) To contract with said farmers and farm organizations to pay the special costs and losses, etc.

Mr. KING. Does the Senator think Congress will turn over to the Department of Agriculture, or some other executive agency, its investments at Muscle Shoals, and all the power potentialities of the Tennessee River, in order that the same may be used by such department or agency, or lease by it, for the generation of power—the power so developed to be sold, and the proceeds, or a part thereof, to be devoted to the manufacture of fertilizer, and that it will supplement the funds derived from the sale of power by large appropriations from the Federal Treasury, for the purpose of building fertilizer plants, and organizing distributing agencies, to carry to all the farmers of the country the fertilizers so manufactured?

Mr. TYSON. Mr. President, I do not see why a reasonable amount of money should not be used in that way. We are spending now, through the Agriculture Department, \$143,000,000. I do not believe it will take more than \$5,000,000—that is just a guess, or an estimate—for the Secretary of Agriculture to put up all of the experimental plants that would be required.

So far as I am concerned, I do not believe in having more than two or three of these experimental plants for the extraction of nitrogen from the air, because I think that with the plants that have already been established throughout the country, like the one at Hopewell and the one at Charleston, we will be able to see at what cost nitrogen can be bought or fixed by the synthetic process. So that only 1 or 2 or 3, perhaps, of these experimental plants are needed.

The greatest difficulty in all business is distribution. Very few people seem to realize the great cost of distribution. Any kind of manufacturing plant can manufacture, and they can determine what it will cost to manufacture, they can find out all of the elements of manufacturing; but after a thing is manufactured a market must be found for it, and if a market can not be found at a profitable price, there is no use manufacturing the product. That is the great difficulty in connection with this particular problem which people do not seem to appreciate. They seem to have the idea that the generation of power cuts a great figure in the cost of power delivered in the home. The power can be manufactured by steam at 4 mills per kilowatt-hour almost anywhere in this country. It can be manufactured at the mouth of the coal mines at 2½ mills per kilowatt-hour.

In fact, we can manufacture power cheaper at the mouth of a coal mine than we can in almost any hydroelectric plant in the country. That being the case, we have to find a sale for it, we have to find a market for it, we have to put it in every man's home at the place where he can use it at the time he wants it. People do not seem to realize that that costs an enormous amount of money, and that we have to have the service ready, that we have to have all the power that you or I or anyone else will require right at the switch at the time we want it. It costs money to do that. Unless we have it right there we are not giving service. We may develop the power we want to at a certain price, but we do not know until we have had experience what it will cost to distribute it. The hardest thing in the world is to find a market. We are trying now in this country to find markets all over the world for our manufactures,

and we can not find them. If there is any unemployment in this country, it is due to a lack of markets and a lack of distribution; and until we learn how to distribute what we manufacture we never can accomplish the end successfully.

Mr. KING. Mr. President, will the Senator yield further?

Mr. TYSON. Certainly.

Mr. KING. Does the Senator mean to leave the impression, and I ask for information, that because of the difficulties of distribution which, of course, includes transportation, which I concede, because there are difficulties, financial and otherwise, in carrying all commodities to every part of the country, that the Government of the United States should, therefore, become a manufacturer of fertilizers and a distributor of them? That would mean organizing transportation companies or agencies, the building of warehouses, and the establishing of huge distributing organizations. I think that we have the most efficient railroad system and, therefore, the best distributing system in the world, the cheapest per ton-mile, and the facility with which freight and all forms of commodities are carried to all parts of our country by railroads and auto trucks is remarkable. And we are developing our internal waterways, and by so doing it is thought that rates will be reduced and transportation facilitated.

I hope that the Senator does not mean that if the Government undertakes the task of distributing fertilizers and commodities the problems of transportation will vanish like mists before the rising sun, or that the Government can distribute cheaper or better or more efficiently than private enterprise.

Mr. TYSON. Not at all. I know that the Government can not distribute as cheaply as private parties ordinarily do. But this is a problem we have to face. We have a farm problem in the country. The farmers are complaining more than any other set of business men in the country. We have a Department of Agriculture that is costing us \$143,000,000 annually. We have an agricultural and mechanical university or college in every State in the Union and we are helping them. Those institutions have county agents who go out, and it costs the States of the Union a great deal of money to maintain them. What are they doing? They are trying to teach the farmer how to farm better than he has farmed before. It is our duty, as I see it, if we are going to be efficient, to teach the farmer the very best methods, to teach him the most intelligent methods that can be taught.

The fertilizer proposition, as everybody admits, is the most important proposition to-day, perhaps, before the farmer. Why should not the Government, if it is going to teach him in other ways, teach him how to use fertilizer satisfactorily, how to use it by the very best methods possible? I think that it is as much a duty of the Government to educate the farmer in how to farm as it is to educate him in books or in any other way. As a matter of fact, if I were to be asked which is the most necessary education in this country to-day, I would say that to learn how to farm best would be the finest education a farmer could have.

Mr. KING. Mr. President, will the Senator suffer another interruption?

Mr. TYSON. I am glad to do so.

Mr. KING. I concede what the Senator said about the importance of the agricultural problem and the importance of the farmers knowing how to farm. My opinion is that the farmers know far more about farming than some of the so-called experts in agriculture, and some who are offering panaceas and remedies for the purpose of curing all agricultural ills.

Mr. TYSON. Does the Senator mean to say that the farmers have not been helped by the Agricultural Department?

Mr. KING. No; I concede that it has rendered important service to the cause of agriculture, but I have thought that the department has suffered too much from bureaucracy, and that it has at times been too ambitious for power and too indifferent to the rights of the States and individuals therein. In some cases I have believed that incompetent and inefficient persons have been employed in the department, and that some officious employees have effected knowledge which they did not possess, and a rather contemptuous attitude toward practical industries, and competent farmers whose knowledge of the problems of agriculture is greater than such officious persons. It is obvious that the Department of Agriculture, with the millions which it is expending, is accomplishing good and rendering valuable service to the agriculturists of our country; that the farmers are obtaining all the benefits which they should in view of the huge expenditures of the department there is diversity of opinion.

However, I interrupted the Senator to inquire whether it is his position that in order to obtain fertilizer the Government must engage in the manufacture of the same and in its distribution. The Senator knows that scientific and business men are engaged in the production of fertilizer, not only in the United



States but in other countries. Hundreds of millions of dollars have been invested in various countries by corporations and individuals to produce nitrogen and to manufacture and distribute to the farmers of this and other countries fertilizers for the purpose of replenishing exhausted soils.

The great output of nitrates from Chile undoubtedly has prevented larger capital investments in the United States as well as in other countries for the production of fertilizers. When nature has produced it and it can be obtained cheaply, capital, of course, will be hesitant in engaging in the manufacture of that which nature has produced. However, it has been demonstrated that nitrogen can be obtained from the atmosphere at a relatively small cost, and as a result the exports from Chile to some countries have practically ceased, and private capital in those countries has supplied that which formerly was furnished by Chile.

Germany, a few years ago, as the Senator is aware, imported hundreds of thousands of tons of Chilean nitrates annually. But the German chemists and scientists discovered the nitrogen fixation process, and German companies are now supplying the agriculturists of their country with needed fertilizers.

As I said yesterday, I visited in Germany in 1923 a number of privately owned plants which were producing thousands of tons of nitrogen annually. Some of these plants used the synthetic and others the cyanamide process. German agriculture is rapidly developing, and German manufacturing plants owned by private persons and corporations are supplying the soil needs of the farmers. In the United States private capital is producing nitrogenous and other products required for plant life. Capital is available for the production of fertilizer, and capital will cheapen the cost and make available for the farmers of our country the character of fertilizers required by them.

The farmers of the United States are not so helpless and inefficient and lacking in ability and courage as some would have us believe. They have contributed to the progress and development of our country. They are not asking favors or demanding paternalistic or socialistic experiments. The farmers of our country have been and are now individualists. They believe in initiative, in personal independence and freedom. All they desire is equal opportunity, economic, industrial, and political. They are opposed to special privileges and to discriminations; they want a square deal, nothing less and nothing more. They do not want Federal bureaucrats to assume that they are incapable of walking and that, therefore, the Federal Government must put crutches under their arms. The farmers are readers and thinkers. From the farms come the strongest men in our country.

There are some employees of the Government and some who want to be employed by it, and some who make a living by agitation and propaganda and by affecting great solicitude for the farmers and wage earners, who are importunate in their demands that the Government shall own and operate the railroads and the merchant marine, the mines and smelters; that it shall build all sorts of manufacturing plants and engage in many forms of private business. They would convert the Government into a big business machine and the people into automatons to be moved by Federal direction.

I believe in the American people, in the American farmer, and in the American business man. They are competent to govern themselves and to run their own business. They do not want the inefficient hand of federalism laid upon their shoulders. We have reached the highest standard of efficiency through individualism, and the highest achievements in industry obtained by any people have been reached in the United States through our democratic institutions, not through socialism or by the Federal Government owning or controlling or supervising the lives or the business of the people.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYSON. I would like to answer the Senator from Utah. However, I yield.

Mr. SMITH. If the Senator will just let me make one observation I shall be glad. I do not think any Senator on this floor is afraid that any initiative the Government may take will ever stop private initiative. What the Senator from Tennessee and others of us who are interested in the matter are contending for is not so much the Government continuing permanently in the operation, but certainly continuing long enough to demonstrate to us the practicability of it at a reasonable cost. We can not get any of these matters so long as the processes are owned and controlled and developed by private enterprise. There is not a man on this floor who knows anything about the cost of the new process of transmitting messages by radio. I happen to be a member of the Committee on Patents, and there is not a member of that committee who can of his own knowledge know what the instruments and processes of broadcasting will cost. All he can know is the price that is

said to be a reasonable one. The Government dedicated Muscle Shoals to the one vital thing of producing this ingredient, nitrogen, and I believe it is our duty to develop the process until we know what can be done and at what price it can be done.

Mr. TYDINGS, Mr. BRUCE, and Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. TYSON. I should be glad to yield to the junior Senator from Maryland for a short question, but I will never get through my speech if I have half a dozen speeches by other Senators every time a question is asked. I do wish Senators would limit themselves to a question. I yield first to the junior Senator from Maryland, who rose first.

Mr. TYDINGS. As I understand the Norris resolution, the main purpose is to generate power and sell it to communities near Muscle Shoals. Assuming that the incidental part of it, or even the main part of it, is the fertilizer business, I would like to ask the Senator whether he is in favor of permitting the Federal Government to engage in the manufacture and sale of electricity unregulated, not subject to State laws, not subject to price fixing.

Mr. TYSON. I will come to that subject later on, if I only have the opportunity.

Mr. TYDINGS. Without any regulation whatsoever, in conflict and competition with private capital which has gone in as the pioneer and developed the subject?

Mr. TYSON. I would say decidedly no.

Mr. TYDINGS. I would like to ask the Senator this further question: If the Norris resolution is adopted, will not that state of affairs come into existence?

Mr. TYSON. I think not. It may, so far as the Norris resolution is concerned, but if we pass it here I do not think anybody can come into my State with a transmission line and sell electricity in the State of Tennessee without the consent of the State, nor could they do it in any other State in the Union.

Mr. TYDINGS. I would like to call the Senator's attention to the fact that in the Constitution one of the 18 special grants of power given to Congress is the right to regulate interstate and foreign commerce. Taking electric current from Alabama into Tennessee is certainly interstate commerce, and no State can impose any restriction on it, because the courts have overwhelmingly held that any tax on interstate commerce is in fact a power which they have no right to assume. Here we have the Federal Government. We can not tax the Federal Government by State law. We will have the Federal Government coming into the State of Tennessee free of tax, free of regulation, paying out of the Treasury of the whole American people any deficit that may accrue, and directly in conflict with all the private enterprises which have been pioneers and have risked their money to build up the business.

Mr. TYSON. If that is the case, I hope the Senator will offer an amendment which will cure that defect. I shall be very glad to vote for it, because I do not want to have anybody coming into my State who does not get in there on the same basis that every other person or corporation does.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. TYSON. I yield.

Mr. BROOKHART. I would suggest that this matter of regulating the United States Government is a new proposition to me. I did not know it needed regulation. I presumed we would like to have the States regulate the business as the business comes into the States. In fact, Government regulation of the thing is the strongest and most extreme regulation that could be had.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. TYSON. I yield.

Mr. TYDINGS. I would like to call the attention of the Senator from Iowa to the fact that the Government, when it is experimenting in the making of munitions and shells at the various places he mentions, is not selling those things to the American people? They are not in competition. They are developing a business which is essentially a governmental business.

I would also like to say in answer to the Senator from Iowa that he will recall from his reading of the Constitution that there are 18 specific grants of power given, and among them is the regulation of interstate and foreign commerce and a provision that no State can tax any interstate commerce. The Supreme Court of the country has held that time and time again. If current is taken into Tennessee or Iowa, it must come in without the State having the slightest color of right to do anything in its regulation, fixing of price, distribution, or anything else.

Mr. BROOKHART. The point I am making is—  
The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. TYSON. I yield.

Mr. BROOKHART. I have so much confidence in my Government that I think it is going to do the square thing in Alabama and in every other State. I do not think there is any such thing as regulating the Government.

Mr. TYDINGS. The Senator misses the point.

Mr. BROOKHART. The Senator from Maryland raised the question of constitutional power.

Mr. TYDINGS. Yes; but the Senator misses the point. My point was—and the Senator has agreed that I am right—that there is the Federal Government, on the one hand, unregulated, untaxed, uncontrolled, and, on the other hand, there is private capital regulated, taxed, and controlled. Does the Senator think it would be fair for an individual who has put his money into business to be subjected to that kind of competition?

Mr. TYSON. Mr. President, I want to say to the Senator from Maryland that there is now pending before the Senate an amendment offered by the senior Senator from Mississippi [Mr. HARRISON] which provides for the regulation by the States. I am for that amendment, and I am not for any measure that does not carry regulation by the States. Furthermore, I do not believe that any measure can pass the Senate that does not carry the authority for State regulation.

Mr. TYDINGS. I appreciate what the Senator from Tennessee is saying, and, in the main, I am with him; but if he will bear with me just for one minute more I should like to point out that such regulation would be absolutely unconstitutional, and I will explain why in just a moment. If the State may undertake such regulation then, in the case of a man who had a pair of mules in Virginia and wished to sell them to a man in Maryland, the legislature of that State could pass a bill imposing a tax on mules coming from Virginia, and every State could have its own export and import taxes on commodities. In the end we should not have any regulation of interstate and foreign commerce by the Government. If the Senator will read the debates on the framing of the Constitution, he will find that when that clause of the Constitution was considered the power was expressly given to Congress in order to prevent a chaotic condition and one State hamstringing and keeping out the commerce of another State.

Mr. TYSON. Does the Senator mean to say that if we pass the pending joint resolution containing a provision that power transmitted from one State to another may be regulated by the States it would be unconstitutional?

Mr. TYDINGS. Does the Senator refer to Federal power?

Mr. TYSON. Does the Senator mean to say if we include a provision in the joint resolution that the power which is transmitted from one State to another may be regulated by the States that that would be unconstitutional?

Mr. TYDINGS. Yes, sir. I will explain that to the Senator, and the Senator, I think, will agree with me. If a State may tax interstate commerce for one purpose, it may tax it for another purpose, and if it is unconstitutional to tax interstate commerce, whether it be in the shape of mules or grain or coal or anything else, it would be just as unconstitutional when it comes to power.

Mr. TYSON. How would the Senator remedy that defect?

Mr. TYDINGS. I intend to vote against the power provision of this measure for two reasons: In the first place, to attempt to regulate power so produced would result in no regulation at all, because the Supreme Court would hold such action on the part of a State to be unconstitutional. Therefore, the States not being able to regulate it, it would be put on the same plane with private capital. So I shall be forced to vote against the entire joint resolution.

Mr. TYSON. Has the Senator from Maryland no remedy for the objection which he suggests?

Mr. TYDINGS. Yes. The Federal Government might produce power and sell it at the switchboard so that anybody could buy it.

Mr. TYSON. I wish to say to the Senator from Maryland that that is exactly what the amendment which we are now considering provides for. It provides for selling power at the switchboard.

Mr. TYDINGS. But I wish to call to the attention of the Senator from Tennessee the fact that even though the Federal Government did produce the power and did sell it at the switchboard, the State of Alabama, in my judgment, could not tax it, could not regulate it. It might, perhaps, tax the bed of the river; it might, perhaps, find some color of property tax, but it could not tax the interstate commerce in any way whatever.

Mr. TYSON. I do not understand that it would attempt to tax interstate commerce.

Mr. BROOKHART. Mr. President, will the Senator from Tennessee yield to me?

Mr. TYDINGS. Mr. President, I venture to say, in order to clear up that point, that if this question shall be taken, as it will be taken, to the Supreme Court, in my humble judgment the court will not be very long in deciding that if the power to regulate does not exist for one purpose the proposition can not be turned around and the power given for that same purpose. The proposition must stand or fall upon its own merits.

Mr. TYSON. Does the Senator from Maryland intend to say that if the power were sold at the switchboard an individual or a private company or a corporation or a municipality could not take their transmission lines to that point, with the consent of the utilities commission of the State, and get power and transmit it out of the State?

Mr. TYDINGS. The Senator from Tennessee misses my point. What I said was that if the Federal Government shall generate electricity, the State of Alabama can not regulate the Federal Government, no matter how many amendments may be placed in the joint resolution. Here is the junior Senator from Alabama [Mr. BLACK], himself an eminent lawyer, and enjoying a reputation as such in Alabama, and I do not think he would contend that if the Federal Government goes down to Alabama and produces electricity and sells it at the switchboard the State of Alabama can come along and tax and regulate that electricity. Certainly I believe the Senator will concede that it would be a very dubious proposition, and might be decided either one way or the other by the courts.

Mr. BROOKHART. Mr. President—

Mr. BLACK. Mr. President, will the Senator yield there for a question?

Mr. TYSON. I yield first to the Senator from Iowa [Mr. BROOKHART].

Mr. BROOKHART. Mr. President, I have had a little experience with the question just raised by the Senator from Maryland [Mr. TYDINGS] in regard to the power to regulate commerce. Congress always has the power to regulate interstate commerce any way it wants to. It may do so through the machinery of the States if it so desires.

Mr. TYDINGS. Oh, no.

Mr. BROOKHART. It might even submit to taxation.

Mr. TYDINGS. Let the Senator give me an illustration of where it has ever been done and I will agree that he is right.

Mr. BROOKHART. The States have always regulated it when the Government did not act.

Mr. TYDINGS. Cite me one instance where any State has regulated interstate commerce and I will sit down. The Senator can not name one in the whole history of the country.

Mr. BROOKHART. Take intrastate railroad rates. The States have always regulated them until act of Congress on the subject has been passed.

Mr. TYDINGS. Oh, no; the States have only regulated such commerce within the State's limits, which is an entirely different thing.

Mr. BROOKHART. I understand that; but they have regulated such rates and they have affected interstate commerce.

Mr. TYDINGS. Oh, no.

Mr. BROOKHART. However, I do not care anything about that. The point I am trying to make is that the idea that we can not trust the Government properly to regulate such a matter as this and give a square deal to the people and the States and everybody else is quite new to me.

Mr. TYDINGS. We can trust the Government, but the State of Alabama has no power to regulate the interstate commerce of this Nation.

Mr. BROOKHART. It ought not to ask for that power and does not want that power, but it ought to trust the Government the same as the rest of us do—and it will, I apprehend—and the Government's regulation, which will be the best regulation which can be provided.

Mr. BLACK. Mr. President, will the Senator now yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. TYSON. I yield to the Senator from Alabama for one minute.

Mr. BLACK. Mr. President, with reference to Alabama, I have long since decided that Alabama's voice as to the disposition of this great natural asset which exists within its borders is very feeble in so far as giving effect to its desires is concerned. I have heard criticized on the floor of the Senate a citizen of Alabama on the ground that he expected his property to be enhanced in value by reason of this asset—

Mr. TYDINGS. The Senator does not mean to suggest that I said that?



Mr. BLACK. And that that was one of the reasons why his great-grandfather moved there many years ago. I have heard, further, that we have no right to tax any water power, a natural asset of the State; but that the State has to tax the farmers of Alabama and let them pay taxes on their farms while the power is shot out to every State within transmission distance.

Mr. TYDINGS. May I interrupt the Senator right there?

Mr. BLACK. I will yield in just a moment.

Mr. TYSON. Mr. President, I will have to ask Senators to give me a little time, in order that I may get through.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. TYSON. No, Mr. President; I do not decline. I will yield to the Senator from Alabama.

Mr. BLACK. I will be glad if the Senator will let me finish what I was saying. I have also heard that the States that are not within transmission distance of Muscle Shoals are prepared now to have an amendment offered providing that the profits received from Muscle Shoals shall be equally divided among those States that are not within transmission distance. Since all of the States are equally entitled to everything that Alabama has within its borders, so far as Alabama is concerned, I assume that it has no right of taxation or anything else.

Mr. TYDINGS. Mr. President—

Mr. TYSON. I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to remind the Senator from Tennessee—and I believe he will appreciate the logic of the situation—how it was that Congress was given the power to regulate interstate and foreign commerce and why it is that a State can not regulate such commerce. For example, when our country was first formed and we had only 13 States, each one of them had restrictive laws in order to build itself up at the expense of its neighbors. Therefore when we came to be a united country the people realized that they could never stimulate commerce if each State had the right to tax the products of the other States in any way whatsoever. So authority was given to the Federal Congress, the body of which we are Members, to regulate interstate and foreign commerce. The Senator can at once see that if Alabama or Tennessee had the right to tax electric power it would have the right to tax coal coming in, or any other commodity of interstate commerce, and that would lead to a breakdown of the Union. That was the thought underlying the provision of the Constitution. I thank the Senator for his courtesy in yielding.

Mr. TYSON. I think, Mr. President, that if there is such a defect in the joint resolution, it ought to be remedied. If we have to accept the views of the Senator from Maryland on the subject, I do not see how we can operate Muscle Shoals at all without violating the laws of all the States that are within transmission distance. It may be that that is the case, but I hope we will manage to find some way by which we can operate Muscle Shoals and distribute the power that may be generated there.

Mr. President, I had not expected to discuss the fertilizer question so early in my address. I wish to go back a little now and say something about power, which seems to have been the main subject of the discussion in the minds of many Senators and especially in the mind of the Senator from Nebraska [Mr. HOWELL].

I think a great many people will be very much disappointed at the results of the operation of Muscle Shoals so far as the reduction in the price of power is concerned. I should like very much to be able to think otherwise; but, in view of the fact as I understand the joint resolution, that it provides only for the distribution of power to municipalities in the States and other organizations that want it at wholesale rates and not in a distributive way, I can not see how that will reduce the rates for electricity to the consumer below what those rates are now; certainly it will not do so in Tennessee unless the cities themselves shall take over their distributing plants and themselves distribute the current to customers.

The junior Senator from Kentucky [Mr. SACKETT] made this very clear when he said that steam plants could now generate electricity about as economically, if not more so, than it can be produced by hydroelectric processes. If any city in my State wishes to have a municipal plant, there is no reason why it should not have one; that is to say, if it is willing to put up the necessary capital and willing to build the necessary distributing plant and power house.

Take the city of Memphis, for instance, where my colleague [Mr. McKELLAR] lives. I understand that some people think that Memphis might be able to obtain cheaper electricity if Muscle Shoals is operated and they have an opportunity to secure electricity from that source. I can not see how that can

be done simply because Muscle Shoals is operated; I can see how it can be done if they go ahead and build their own power plants and distributing plants.

I have a telegram from the Public Utilities Commission of the State of Tennessee. I asked them at what price electricity was being generated in the city of Memphis by the power company or the distributing company now engaged in business there. To my surprise, they wired back and said that the generating cost of power at Memphis is 3.6 mills per kilowatt-hour. Including maintenance it costs 4.1 mills.

That is very cheap power, especially in view of the fact that the city of Memphis is at least 200 miles from the nearest coal mines that I know of. If power can be generated that cheaply at Memphis by any power company which has a plant which perhaps has been put in for five or ten years, any new plant, perhaps, could make it cheaper than that plant does. Therefore if the city of Memphis wants cheaper power there is no reason on earth why it should not get it, whether Muscle Shoals is operated or not. If it buys power from Muscle Shoals, either the Government or the city of Memphis or some combination of cities must build a transmission line, and, as I understand, being 150 miles away, a transmission line will cost not less than two to three million dollars. In addition to that, it will cost a good many millions of dollars to build a distributing plant in the city of Memphis, to say nothing of the great amount of inconvenience which will be had in the event a new plant is built in the city of Memphis, or in any other city, for that matter.

Mr. McKELLAR. Mr. President, will my colleague yield to me?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Tennessee yield to his colleague?

Mr. TYSON. I do.

Mr. McKELLAR. My colleague has given some very interesting figures about the cost of electricity in Memphis—4.1 mills, I believe, less than half a cent—and that includes depreciation and matters of that sort. As a matter of fact, the power company at Memphis is selling electricity to the general public at 10 cents a kilowatt. The spread is the difference between half a cent and 10 cents to the great body of consumers at Memphis, Tenn. Does not the Senator think that is too wide a spread between the cost of the current and the price to the consumer?

Mr. TYSON. Mr. President, as far as that is concerned, I do not know; it is impossible for me to state, not having all the facts before me. It looks to me as if it is a high price for power, a high price for electricity. I wish we could lower it. It seems to me we ought to lower it; but if we are paying too much, it is the Public Utilities Commission of Tennessee, it seems to me, that ought to see that it does get lowered. It is their job, and they ought to attend to it. I do not know whether they are doing their duty or not; but they are either failing to do their duty or they have been deceived in some way.

I assume that these gentlemen are honest. I believe they are. I believe they are fairly efficient. This thing has been going on not only in Memphis but all over my State. I should like very much to see electric light and power charges greatly reduced in the State of Tennessee, but I do not see how the operation of Muscle Shoals is going to do it.

Let us take the city of Nashville. The city of Nashville is paying 8.3 mills per kilowatt-hour for the power which they are buying at the gates of the city and then distributing. I consider that a very high price for wholesale power, and yet they seem to be paying it. If they can distribute power at a less price than they are distributing it now, which is about 9 cents for the average consumer, I can not understand why they do not build their own plant. They ought to do it if they can reduce the cost of power and the cost of electricity anything like what has been said by the Senators from Nebraska to be possible.

As a matter of fact, I am very confident that no city of any size in Tennessee or in Alabama or in Georgia will build a single municipal plant in order to get power from Muscle Shoals, because of the fact that they are not going to make the great outlay necessary for putting up a distributing plant; they are not going to go into debt for the purpose of building a transmission line and then driving out of business all of the people that are now in business there.

Take the city of Birmingham: I have information to the effect that a year or two ago they had two distributing systems in Birmingham. One was owned by private parties and the other was owned, I think, by the Alabama Power Co. The private distributing plant finally went out of business, because they could not sell power as cheaply as it was being sold by the Alabama Power Co.

Take my own town of Knoxville, Tenn.: We have coal mines within 30 miles of the gates of the city. I have bought coal laid down at the furnace for manufacturing purposes in the city of Knoxville for \$1.25 a ton. That was good steam coal. You can buy good steam coal there to-day, laid down at the furnace, for \$2 a ton. We can manufacture electricity in Knoxville at least 1 mill per kilowatt-hour cheaper than it can be manufactured in the city of Memphis; and yet, notwithstanding that fact, the city of Knoxville have not even considered the matter of putting up a municipal plant. It may be that they have exercised bad business judgment in not doing it, and yet they do not do it. So I am confident that Knoxville would not put up a municipal plant, and that is the only way in which the cost of power could be reduced to the consumer. They now pay  $7\frac{1}{2}$  mills per kilowatt-hour, wholesale. Of course, the cost of power to the consumer might be reduced 3 or 4 mills, but that would not be material, and nobody would consider the matter.

So, Mr. President, I believe that the Senator from Nebraska and every other one who feels that the operation of Muscle Shoals is going to reduce the cost of power to anybody except perhaps those who buy it wholesale is making a great mistake. I wish it could be so; and it may be that what has been brought out here in the Senate—the knowledge that they are getting power for 2 mills a kilowatt-hour in Ontario—may induce the people in these various cities to feel that they can put up a distributing plant and thereby reduce the cost of power to their citizens; but that is the only way in which it can be done unless the Government of the United States itself goes into the distributing business and distributes power all over that country. It can do it. I will admit that the Government of the United States, if it wants to go into the distribution of power to the consumer all over the country, in my judgment can do it cheaper than any corporation can do it, for the reason that it can get money at lower rates, and I believe it can have fairly efficient management.

But, Mr. President, if we undertake to distribute the power from Muscle Shoals to all of the various cities within transmission distance, we can see very well what an enormous outlay it would involve; and if we start in there it would have to go throughout the whole country ultimately, because if we start at Muscle Shoals there is no reason why we should not go as far as the limits of the country extend. If the Government goes into the business of giving cheaper power or electricity to the people in one section, it ought to do it in every section.

So I regret very much, Mr. President, that I am not able to agree with those gentlemen who think that the operation of Muscle Shoals is going to be of any great benefit to the people who live within transmission distance, except in so far as they are going to be able to get more power, and thereby have it better distributed, and through the fact that since there is more power to call on there is a greater amount of development and more power to be sold, and it may be possible to reduce the price, because there is more than can be sold; but as long as we have all the power that we can sell, and everybody is after it, as has been the case in the South for the last several years, I do not believe we are going to reduce the cost of power very much.

The Senator from Alabama [Mr. BLACK] a few days ago, in making his address, stated that he did not think there was any particular demand for that power. Mr. President, I think he made a very great mistake in that respect. I want to read just a short extract from the Commercial Survey of the Southeast, published by the Department of Commerce in 1927, page 113. It is shown there that in the 12-year period, from 1914 through 1925, manufacturing in the Southeast increased in greater proportion than for the United States as a whole, the percentage of increase in the value of manufactured products in the Southeast being 203 per cent, compared with 159 per cent for the country as a whole. Then it goes on to show the great increase in the amount of power, of kilowatt-hours used in those sections. It is stated that reports of the Geological Survey show that the output of power in the six States of North Carolina, South Carolina, Florida, Tennessee, Alabama, and Georgia increased from 3,820,281,000 kilowatt-hours in 1923 to 6,911,421,000 kilowatt-hours in 1927—in other words, almost double, or an increase of 78.6 per cent, compared with 46.8 per cent increase in the same period for the Nation as a whole.

So, Mr. President, that shows that we are in need of power down there; and in my opinion all of the power that can be generated at Muscle Shoals can be sold. Of course, it can not be sold in a day, because of the fact that it requires consumers as well as producers; and if an attempt were made to sell 220,000 horsepower at once it would perhaps be a little bit of a glut on the market. But it can be and will be absorbed, in

all probability, in the course of one or two years, if made available for the manufacturers and the consumers in that section of the country, especially within transmission distance, which is 250 miles, which will take in the heart of the fastest-growing section of this country to-day.

Mr. President, I feel that we can get a great deal of money out of the operation of Muscle Shoals as a power proposition; and I want to show to the Senate the great possibilities of the amount of money that can be gotten out of operating Muscle Shoals and selling the power and selling it at a reasonable price,  $3\frac{1}{2}$  mills per kilowatt-hour. I am giving you an estimate made by Mr. Merrill, who is the secretary of the Federal Water Power Commission, and I think perhaps knows as much about power as any man in the country.

He shows, Mr. President, that with Dam No. 2 and the 60,000-kilowatt steam plant, on the basis of  $3\frac{1}{2}$  mills per kilowatt-hour for the primary power, 3 mills for part of the secondary power, 2 mills for another part, and 1 mill for still another part of the secondary power, we would have a total income of \$4,500,000 a year just from that alone, and that the net income at the highest expense would be \$1,657,000; that the maximum annual profit would be \$3,759,000, and that the average annual profit would be \$2,530,000.

If we go ahead and build Dams Nos. 2 and 3 and complete them, the average annual profit will be \$3,591,000. If we should build Cove Creek Dam, as is provided in the Cyanamid bid, there will be a possibility of an average annual profit of \$7,228,000.

So, Mr. President, it will be seen what an enormous amount of money could be realized if this plant were operated to its full capacity and the electricity sold at more reasonable prices than it is now being sold anywhere in Tennessee or Georgia or Alabama, so far as I know, wholesale. That enormous revenue could be used for the benefit of manufacturing fertilizers for the farmers.

That is an enormous amount of money—\$7,000,000—and if it were used for the benefit of the farmers of the country, in my judgment, in the manufacture of fertilizer and helping to distribute it, it would be of incalculable value. Of course, we may not get that every year, but we will get an average, when the plant is run at full capacity, of from three to seven million dollars.

I do not want to take too much time, but I do want to say something about the Cyanamid bid.

Mr. BLEASE. Mr. President, I would like to ask the Senator a question for information.

Mr. TYSON. I yield.

Mr. BLEASE. I have listened very attentively to a good deal of the debate on this resolution, and am trying to learn something about the proposition. Does the Senator really believe that if this plant were operated and manufactured fertilizer it would bring fertilizers to the farmers of this country at any cheaper price?

Mr. TYSON. Mr. President, I doubt it very seriously. I want to be very frank about it. I do not know that it can be done. I think the only way in the world that we can find out—and this is my idea—is to make an experiment, to go ahead and try the matter out, and then we will be able to say what can be done, and not until then.

The farmers throughout this country feel that fertilizers can be manufactured at Muscle Shoals cheaper than the price at which they are now buying them. I doubt it very seriously. I talked to one of the experts in the Agricultural Department yesterday, and asked him whether under any process known to-day used in the most economical manner, we could make any reasonable reduction in the price of fertilizers to the farmer. He admitted to me that he doubted very seriously whether we could reduce the price of fertilizers more than \$1 a ton. That is not much; that is very little. But he does not know; he has had no opportunity to do anything to enable him to find out on an experimental basis.

That is why I say that this resolution does not go far enough. I know very well that you can not manufacture in a small way and manufacture economically. You have to do it in a big way. You can reduce the price of any product anywhere from 10 to 20 per cent by manufacturing it in a large way, and fertilizers have to be manufactured by somebody in a large way in order to determine just what the cost of those fertilizers is.

We have to have a fund to use, and this would bring in the fund without any extraordinary expense to the Government. I have no prejudice for or against any process. I have heard the cyanamide process discussed here, and I have heard the synthetic process discussed. As a matter of fact, I do not know very much about either one of those processes, and from the amount of questions that have been asked in the Senate in



the last two weeks about these matters, I doubt very seriously whether anybody in the Senate, with one or two exceptions, does know anything about it.

I do not think it is necessary for us to know much about it. What we want to do is to put it in the hands of experts and let them do the very best that can be done. We can not undertake to go into all of the chemical details here as to what is nitrogen or what not. What we have to do is to put the matter into the hands of men who can properly handle it, and handle it in the most economical way, and then let them report back.

I want to have an opportunity to have an experiment on a large scale. I believe that Muscle Shoals is about as good a place to have that experiment as any other place. We own the property there; we have all the buildings, all the paraphernalia. It is true we have no very good plant, but if we are going to erect a plant anywhere, why should we not erect one at Muscle Shoals and try the experiment out there? Then the farmers of the country will realize that we have kept faith with them. If we do not put a plant of some size at Muscle Shoals and try the matter out there, the farmers of this country will always say that we did not keep faith with them. It has been said that the cyanamide process is obsolete. I will say this for the cyanamide process, without knowing anything about it, that no process can be obsolete that is now producing as much nitrates or as much ammonium or phosphates as is the cyanamide process. That process evidently is a success. Whether or not it is the most successful process I do not know.

It has been said that the synthetic process is the most successful of all the processes. That may be true, I do not know, but the only way by which we may know is for us to try it out, to put this experiment upon a large enough scale of production that we can see what can be done, and at what cost it can be done. Otherwise we never will know.

There are a great many different amendments suggested to this resolution. I have offered two. I have suggested one in regard to the power proposition. My amendment provides for the leasing of the power plant and the sale of the power to the very best advantage by the Secretary of War. Failing that, that he is to operate and sell the power to the very best advantage.

In view of the fact that the Senator from Mississippi has his amendment pending, and it is so much like the one I have on the table, I am going to support the amendment of the Senator from Mississippi, and I intend to vote for his amendment when it comes up. I do not know what my course will be after that, if it should be voted down.

I am deeply interested in what is known as the Willis-Madden bill. I believe that if we do not pass the Norris resolution we will have the Willis-Madden bill before us. It is going to be pressed at this session of Congress, in my judgment, if we do not pass the Norris resolution, amended or unamended. I believe that those gentlemen who are behind that bill are going to make a great effort to pass it in the House, and if it does pass there, of course, it will come over to the Senate.

I am not sure that the cyanamide process can not be made a success. As I said, I think at the place it is being used it is a success, and whether or not it can be made a success at Muscle Shoals remains to be seen.

I want to say something now about the Willis-Madden bill. We have heard a great deal about producing fertilizers at Muscle Shoals in large quantities. The public at large believes that under the Willis-Madden bill whatever subsidy it might give to the Cyanamid Co. would result in their producing fertilizers on a large scale. I say that that might be done. It is possible that fertilizers might be produced on a large scale by the cyanamide process under the Willis bill, but there is nothing in it that guarantees that. The only thing in the world that it guarantees is that after they have taken all the power that can be produced at Muscle Shoals, that can be produced after Dam No. 3 is built, after they have come up into Tennessee and taken the very best that we have up there, after they have gobbled up practically everything that is worth having in the Tennessee Basin, then they are willing to build a plant that will have a capacity of 10,000 tons a year. It will be three years before they have to build that. At the end of the third year they must have that ready. Then they produce 10,000 tons, and they put it on the market at cost plus 8 per cent, and if they can sell 10,000 tons for three successive years at cost plus 8 per cent, then they will build another addition to the plant, which will have a capacity of 10,000 tons. Then, after they have sold the 20,000 tons for three successive years at cost plus 8 per cent, they will build another plant. So that there will be three years to start with before they will have to build anything; there will be six years before they will have to build a

second plant; and we may never get a second plant. I doubt seriously, Mr. President, whether they ever will be able to manufacture nitrates and sell them at the rate of 10,000 tons a year at 8 per cent above cost.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. HEFLIN. That is what I meant yesterday when I said that I would not support the Willis-Madden bill as it now stands. I want to amend it in many particulars, and the Senator is now mentioning some of the particulars in which I want to amend it. I am willing to join with the Senator and any other Senator to perfect that bill and make those people do what we want down there.

Mr. TYSON. I sympathize most deeply with the Senators from Alabama in their desire to have a great fertilizer plant at Muscle Shoals. I think they are entitled to it. I think the State of Alabama is entitled to have some consideration at the hands of Congress, because of the fact that the water that goes down the Tennessee River ought to be Alabama's water to a certain extent. It has more interest in that water from the time it reaches Alabama until it leaves it than any other State. It owns the bed of that river, and I think it ought to have special consideration. It is true the Government built this great dam there for war purposes in time of war, and for the manufacture of fertilizer in time of peace. Now they are proposing to go up and take another dam, without the permission of Alabama, and use all the water as they deem best. I think Alabama has some rights there. They also want to go up and take what we have in Tennessee, and I think Tennessee has some rights up there, too, and I am going to fight for those rights right here on the Senate floor whenever it is necessary.

Mr. President, I believe this plant should be built there. But to go back to the amount of fertilizer that can be produced, just think of 10,000 tons of nitrate. It is proposed with that 10,000 tons to make 40,000 tons of fertilizer. It will take 18 years, under the terms of that contract, before they ever come up to 48,000 tons. We are talking about wanting a lot of fertilizers for the farmers of the country, and it will be 18 years, under the terms of the Willis-Madden bill, before there ever can be 48,000 tons unless they want us to have it, and we can never get more than 10,000 tons for the reason that if they should fail to sell 10,000 tons in any one year at 8 per cent above cost, then they have to keep on and start in and have three successive years, and it might be a hundred years before they would ever have to make more than 10,000 tons of nitrates.

Not only that, but they are only called on to keep 2,500 tons on hand. Whenever they can not sell it at 8 per cent above cost, 2,500 tons is all they are required to keep on hand.

Mr. BLACK. Mr. President, in the Military Affairs Committee an amendment has been agreed to, according to my understanding—and I do not care to discuss the Madden bill now—to meet the exact point which the Senator suggests, about waiting over a long period of time, providing a recapture clause in case the matter extends over a long period. I think the Senator and I are very much agreed on the necessities of the bill.

Mr. TYSON. There is one other question I want to touch on, because the Willis-Madden bill has been discussed here by Senators, and many of them appear to be in favor of it. I want to show what a delusion and a snare it is. I have shown, perhaps, enough already, as far as that is concerned; but under that bill there will be the greatest subsidy men ever had in this country. I showed that there would be \$7,000,000 profit on the power at 3½ mills per kilowatt-hour. They have to have 8 per cent profit on all of the fertilizers that they manufacture. If they can not sell it at 8 per cent profit, they do not have to sell it at all; and they can get seven and one-half million dollars a year of profit from the power alone with an investment of \$5,400,000 that they have to put in the steam plant. In other words, they are making 150 per cent a year, according to the statement and the report made last year by the Committee on Military Affairs of the House.

Let us go up into Tennessee and see what they are doing there. Not satisfied with taking Muscle Shoals, not satisfied with gobbling up the greatest single dam in the United States, they insist upon having Dam No. 3 in the State of Alabama 15 miles above there, where they insist upon having 250,000 more horsepower installed for their benefit. Then they go up into Tennessee and have the great Cove Creek Dam built for their benefit, which will produce 200,000 horsepower more. In other words, the sum total, the maximum of installed horsepower, under the terms of the Willis-Madden bill, will be 1,220,000 horsepower, from which they can get from \$7,000,000 to \$10,000,000 of profit every year, and we are practically

giving it to them for 4 per cent and taking 100 years to get our money back at that. If anybody is satisfied with that sort of proposition, then I can not see how he can say he is doing anything in the interest of the people.

The Willis bill provides that they shall have Dam No. 3, and that dam has to be built immediately. But the Government of the United States, under the terms of the bill, has five years within which it can go into the State of Tennessee and build a reservoir at Cove Creek which will cost the Government \$37,000,000. They have five years within which to determine whether they will go or not, and in the event they do not choose to go, then the company has three years within which to determine whether it will build Cove Creek Dam. In other words, we in Tennessee, under the terms of the Willis bill, are compelled to wait perhaps eight years before we can get our power site developed.

Mr. President, I think the Cyanamid Co., if it wants to do the fair thing, if it really means business, should be satisfied if it got even Dam No. 2, because it would then be receiving an enormous subsidy. We would be giving away twice as much as can be produced at Dam No. 2, which is the most extraordinary proposition I have ever known sensible men even to consider. I can not understand how men can consider such a proposition. It is the most monstrous thing I have ever known sensible men even to think about.

I have endeavored to advise the Senate of the enormity of the proposition, and I hope that every Senator will read the report, after long hearings, made on page 1069 of the hearings before the Committee on Military Affairs, House of Representatives, Sixty-ninth Congress, second session. If anyone can come here then and vote for the bill conscientiously, I submit that he has a very different kind of mind than mine.

Here we are going up into Tennessee. That is what I object to especially. If they will go down to Muscle Shoals and give us a fair proposition, taking all the power necessary, we can develop at Muscle Shoals all the power that they will require even if we use the electric process in making phosphoric acid. I am informed that we do not need any electricity to make phosphoric acid. We can take sulphuric acid and put it on phosphate rock and get phosphoric acid. There is a camouflage in that thing. They can do that and thereby increase the cost of the fertilizer, and increase it to such an extent that they can not sell it, and then they will not have to make any more.

The Senator from Alabama said to me the other day, in reply to a question, that it would take 180,000 horsepower to make the phosphoric acid required. As I understand it, we have here two processes, known as the wet process and the electric process. If we use the wet process we do not have to use a single kilowatt of power in making phosphoric acid. Notwithstanding the Federal water power act provides that anyone who gets a permit has only three years in which to determine whether he will go ahead and build a dam under the permit, yet the bill provides further that they are to go up into my State and have five years within which they may determine whether or not they will take a permit on three great power sites in my State which will produce 100,000 horsepower more. Think of it, Mr. President. If all of that power should be given to these people they will have 55 per cent of the installed power of all the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, in the year 1926. Talk about power trusts. We have heard Senators speak of power trusts and of being afraid that a power trust would gobble up something, and yet here are Senators deliberately considering the question of giving the greatest amount of power that any corporation now owns or operates to a power trust.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. BLACK. I think the Senator is mistaken about that. The Alabama Power Co. now has more power alone than the total primary horsepower of all these dams put together. Of course, I do not mean installed.

Mr. TYSON. I am speaking about installed horsepower.

Mr. BLACK. I am talking about actual primary horsepower. Cove Creek would only give 20,000 horsepower according to the testimony of the engineers.

Mr. TYSON. I am basing my statement on the report made by the Committee on Military Affairs of the House last year, on which we have to act.

Mr. BLACK. That is installed horsepower.

Mr. TYSON. Yes; but they say that 78 per cent of that horsepower will be available all the time. We have to consider, when we get Cove Creek finished, Dam No. 3 finished, and all these other things finished, that every time we have a dam constructed we store that much more water, and we double and treble the value of many of the water-power sites below, and the farther down we are the more benefit we get or can have.

Here are 180,000 horsepower that they can use if they want to—or as much as they please of it—in the manufacture of the cyanamide, and they can charge it up as cost and will never have to make more than 10,000 tons of fertilizer from now until judgment day.

Mr. President, I have tried to put before the Senate my viewpoint of the situation. I have done it rather unsuccessfully, because I have not been allowed to proceed in an orderly way. I regret exceedingly that I have not been able to present the matter in the order in which I would like to have done, but I hope I have done it in such a way as to show that I am for any process that can make fertilizer at Muscle Shoals in an economical way and so that the farmers will get it at a reasonable price.

I have prepared an amendment which I intend to offer to the Norris resolution which provides that when the best process is found by the Secretary of Agriculture under the experimentation which we are now conducting that immediately he shall undertake to lease the plant at Muscle Shoals under certain conditions, so as to manufacture fertilizer as cheaply as possible and shall sell it upon a reasonable basis; and failing in that, the Secretary of Agriculture himself shall erect a plant or change over the present one and that he shall manufacture at least 5,000 tons of nitrates by 1931 and 5,000 additional tons of nitrates each year thereafter, provided the same can be sold. I have that amendment lying on the table. I expect to offer it at the proper time. I believe that the small processes which we have will not amount to much and that unless we go on to a large scale we never will know whether we can produce fertilizer at Muscle Shoals in a cheap way or not. It has its advantages. Later on it will have more advantages. When these rivers are made navigable coal can come down there and we can transport all the products made at Muscle Shoals to all parts of the country by water. It seems to me, if we have the right process, there is no reason why Muscle Shoals should not be one of the big fertilizer plants of the country.

Mr. BLACK. Mr. President, I merely wish to suggest, in line with the statement of the Senator from Tennessee that they could use the process which is the cheapest, that a great deal has been said about Doctor Cottrell and what he thought about the cyanamide process. I want to read in connection with that statement what Doctor Cottrell said about it yesterday:

Doctor COTTRELL. At the present time cyanamide nitrogen sells in the market at a little lower price than nitrogen in other forms. You can buy it at a lower price, generally, than you can the other forms.

Mr. GARRETT of Texas. Why?

Doctor COTTRELL. Because it can be produced in that form more cheaply than it can in the other forms, and the cyanamide plants are operating and they are willing to operate on that market as their chief market.

A little later he was asked this question by Congressman JAMES:

You said a little while ago that to-day the cyanamide people are underselling other people, and you included the synthetic ammonia process, did you not?

Doctor COTTRELL. It is in the other forms of nitrogen.

Mr. JAMES. They are underselling those?

Doctor COTTRELL. Yes, sir.

I just wanted to call attention to that statement of Doctor Cottrell's as relating to an obsolete process and one that is now out of date.

Mr. HARRIS. Mr. President, I wish to remind the Senator from Tennessee that the principal reason the Government is developing Muscle Shoals for the manufacture of nitrates, used to make munitions in time of war and fertilizer in time of peace, is because our country is the only one in the world of any size that has no such plant.

During the war we were entirely dependent upon the nitrates purchased from Chile and it took one-fourth of all our tonnage in order to supply munitions to our soldiers and sailors.

In peace times we are to manufacture fertilizer to be sold to the farmers at cost and experiment in the manufacture of fertilizer with the hope of making it much cheaper than at present.

By using this plant to make fertilizer in time of peace it would enable our Government to use this plant to manufacture munitions any day our country should declare war. It is not only a help to the farmer, but a protection to our Government should we become involved in war, which I pray God may never be again.

Senators on the other side of the Chamber who are opposing the development of Muscle Shoals are free in their criticism of this legislation because they claim it puts the Government in business. Every year our Government appropriates millions



of dollars for experiments in making arms and munitions, but none of these Senators ever criticize the Government for doing that.

Some Senators seem to criticize everything that is suggested here that will benefit the farmers, who are in terrible financial condition. Some of them claim that the Government can not manufacture fertilizer cheaper than the fertilizer companies. If these fertilizer companies are not afraid of our Government cheapening fertilizer to the farmers, why is it they and the Water Power Trust have kept a lobby here for years trying to defeat Muscle Shoals legislation?

I think the water power and fertilizer companies have shown poor judgment in trying to destroy the Muscle Shoals legislation, which is the hope of the farmers; for the more prosperous the farmers are the more prosperous will be these companies. When the farmer prospers everything else is benefited.

Congress should adopt this legislation at this session. It is an outrage that it has been delayed so long. Congress has helped the manufacturers, the railroads, and many others, and it is time something was being done for the farmer.

I ask permission to have printed in the RECORD in connection with my remarks a letter from the Secretary of the Navy and a letter from the Ordnance Department of the Army with the accompanying statement, showing the Government activities in the manufacture of arms, munitions, and so forth.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, February 29, 1928.

MY DEAR SENATOR: There is forwarded herewith a list of articles manufactured at the various navy yards. In addition to this list, the following articles are manufactured by the Navy:

Guns and mounts complete and binoculars at Washington Navy Yard.

Torpedoes and primers at Newport.

Powder at Indianhead.

At the naval aircraft factory, Philadelphia, are manufactured spare parts for old types of planes, floats, aircraft trucks, catapults, experi-

mental aircraft accessories, confidential or secret installations of aircraft, and one or two experimental aircraft per annum.

At the naval clothing factory, Naval Supply Depot, Brooklyn, N. Y., clothes stops; jumpers, blue, dress; overcoats; trousers, blue, dress.

At officers uniform shop, Naval Supply Depot, Brooklyn, N. Y., all items of outer uniform for officers and chief petty officers, except shoes and equipment, which latter items are, however, carried for sale.

Marine Corps Depot of Supplies, Philadelphia. The Marine Corps manufactures for its own use the following:

Clothing, including uniform coats; overcoats; trousers; drawers, knee; pajamas; leggings; flannel and cotton shirts. Tentage, including tent poles and tent pins. Equipment, including infantry packs; leather belts; clothing bags; hand carts; dispatch cases; barracks chairs; field cots; field desks; trunk lockers; flags; target frames; mosquito nets; field ovens; buckets; garbage cans; water cans; sheets; pillow cases; clothing rolls; mattress covers; clothing boxes; packing boxes; signboards, recruiting; bake pans; mess benches; mess tables; machine-gun carts; and steel lockers.

There are probably other activities not herein mentioned, but can not be thought of just at the moment.

Sincerely yours,

CURTIS D. WILBUR.

Hon. W. J. HARRIS,  
United States Senate, Washington, D. C.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ORDNANCE,  
Washington, February 29, 1928.

Hon. WILLIAM J. HARRIS,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your telephone request there are transmitted herewith data showing the ordnance establishments and the functions of each, together with the amount of money spent in the fiscal year 1927 at each of the manufacturing arsenals.

If any further information is required this office will be pleased to send it to you.

Very truly yours,

C. T. HARRIS, JR.,  
Major, Ordnance Department, United States Army,  
Executive Assistant.

List of Ordnance establishments, their functions, and date acquired

Establishments	Functions	Date acquired or established	Ordnance funds expended in the fiscal year 1927
<b>Manufacturing arsenals:</b>			
Frankford Arsenal, Philadelphia, Pa.....	Manufacture of small-arms ammunition, all types; metal components of artillery and trench warfare ammunition; fire control and range finding instruments, including optical parts; manufacture and storage of gauges for small-arms ammunition, fire-control instruments, and drop bombs; reserve storage for fire control, optical and timing instruments; issue of small-arms ammunition and fire-control instruments.	May 27, 1816	\$2,269,731.00
Picatinny Arsenal, Dover, N. J.....	Experimental ammunition development plant; manufactures powder, high explosives, and metal components, and loads ammunition and bombs; development station for military pyrotechnics. Storage of explosives and ammunition.	—, 1880	1,608,929.00
Rock Island Arsenal, Rock Island, Ill.....	Manufactures artillery matériel, including gun carriages, limbers, and caissons; tanks and tractors. Has plant facilities for the manufacture and repair of small arms and machine guns. Reserve storage for artillery 6-inch caliber and smaller; for all small arms, machine guns, and other infantry weapons; tanks and tractors. Issues ordnance supplies to troops of the Fifth, Sixth, and Seventh Corps Areas, and ammunition for the Sixth and Seventh Corps Areas.	July 11, 1862	1,016,351.00
Springfield Armory, Springfield, Mass.....	Manufactures United States rifles, spare parts, appendages and bayonets; repairs all types of small arms, including rifles, revolvers, machine guns, and automatic rifles; inspects and stores all gauges for small arms, including gauges for machine guns, automatic rifles, pistols, and revolvers; inspects ordnance materials purchased at Colt's Patent Fire Arms Manufacturing Co., and other plants, and maintains in storage complete equipment for manufacture of caliber .45 pistols.	Apr. —, 1778	606,856.00
Watertown Arsenal, Watertown, Mass.....	Manufacture of gun forgings, seacoast gun carriages, railway mounts, and projectiles; steel, iron and nonferrous castings; stores and issues parts for seacoast artillery carriages and target material. Operates testing laboratory and is location of the Ordnance School.	Feb. 8, 1816	643,343.00
Watervliet Arsenal, Watervliet, N. Y.....	Manufacture of light and heavy cannon and accessories.....	—, 1813	371,538.00
Nitrate plants, Muscle Shoals, Ala.....	Maintenance of plant in stand-by condition for manufacture of ammonium nitrate by the cyanamide process. Sixty thousand (60,000) kilowatt steam-electric power plant under lease to and in operation by the Alabama Power Co.	Oct. 9, 1917	73,121.00
Proving grounds, Aberdeen Proving Ground, Md.....	Proof-firing of guns and carriages; acceptance and development firing of artillery ammunition and aerial bombs; acceptance and development firings of small arms and small arms ammunition and miscellaneous experimental work; development tests of tanks, tractors and trailers; storage, repair and maintenance of artillery, tractors, and tanks.	Dec. 14, 1917	660,797.00
<b>Depots:</b>			
Augusta Arsenal, Augusta, Ga.....	Storage and issue of ordnance matériel other than ammunition for the Fourth Corps Area; makes minor repairs to ordnance matériel.	Nov. 19, 1826	—
Benicia Arsenal, Benicia, Calif.....	Stores and issues ammunition and other supplies for the Ninth Corps Area, and collects and forwards ordnance supplies for the Army insular possessions and Alaska. Overhauls and repairs ordnance equipment of troops in Ninth Corps Area.	Oct. 10, 1862	—
Charleston Ordnance Reserve Depot, Charleston, S. C.....	Storage of war reserve ammunition; issue of ammunition to Fourth Corps Area.	June 3, 1918	—
Curtis Bay Ordnance Reserve Depot, Curtis Bay, Md.....	Permanent storage of war reserve ammunition and components. Stores and issues ammunition for Third Corps Area and Fifth Corps Area.	Oct. —, 1917	—
Delaware Ordnance Reserve Depot, Pedricktown, N. J.....	Storage of war reserve ammunition.	Oct. —, 1918	—
Erie Ordnance Reserve Depot, La Carne, Ohio.....	Storage and maintenance of tractors, automotive vehicles, and heavy artillery. Proving facilities are available in case of emergency.	Mar. 25, 1918	—

List of Ordnance establishments, their functions, and date acquired—Continued

Establishments	Functions	Date acquired or established	Ordnance funds expended in the fiscal year 1927
<b>Depots—Continued.</b>			
Ogden Arsenal, Ogden, Utah.....	Storage of war reserve ammunition and components, and storage and issue of ammunition for the Ninth Corps Area, Alaska, and insular possessions.	Mar. 6, 1920	-----
Pig Point Ordnance Reserve Depot, Pig Point, Va.....	Storage of war reserve ammunition and components.	Nov. 2, 1917	-----
Raritan Arsenal, Metuchen, N. J.....	Stores, issues, and maintains ordnance supplies for troops of the First, Second, and Third Corps Areas; reserve storage for ammunition and components; issues ammunition for First and Second Corps Areas. Location of Ordnance Specialists' School.	Oct. —, 1917	-----
San Antonio Arsenal, San Antonio, Tex.....	Stores and issues all ordnance supplies and ammunition for the Eighth Corps Area; repairs field guns, optical instruments, and small arms.	Mar. 8, 1859	-----
Savanna Ordnance Reserve Depot, Savanna, Ill.....	Storage of artillery vehicles, tractors, ammunition, ammunition components, and sodium nitrate; overhaul and repair of tractors; proving facilities are available in case of emergency.	July 23, 1917	-----
Wingate Ordnance Reserve Depot, Fort Wingate, N. Mex.....	Storage of bulk high explosives	Nov. 28, 1918	-----
District offices, Baltimore, Birmingham, Boston, Bridgeport, Buffalo, Chicago, Cincinnati, Cleveland, Detroit, New York, Philadelphia, Pittsburgh, St. Louis, San Francisco.	For development of industrial war plans of the Ordnance Department and to maintain contact with industries.	May 17, 1922	-----
Activities under partial control of Ordnance Department:			
Hawaiian Ordnance Depot, Honolulu, Hawaii.....	Stores, issues, and maintains all ordnance supplies in Hawaiian Department	Sept. 25, 1916	-----
Panama Ordnance Depot, Corozal, C. Z.....	Stores, issues, and maintains all ordnance supplies in Panama Department	Sept. —, 1916	-----
Philippine Ordnance Depot, Manila, P. I.....	Stores, issues, and maintains all ordnance supplies in Philippine Department	—, 1898	-----
9 corps areas.....	Charged with the supervision of all functions assigned thereto by Army Regulations, namely: The supply, inspection, maintenance, and improvement of ordnance within the corps area or department and under the jurisdiction of their commanding generals.		-----
Field Artillery School, Fort Sill, Okla.....	Has certain responsibilities with reference to supply, inspection, and maintenance of ordnance matériel; also technical liaison for ordnance design.		-----
Infantry School, Fort Benning, Ga.....	do.		-----
Edgewood Arsenal, Edgewood, Md.....	Chemical ammunition assembly plant.		-----
Tank School, Camp Meade, Md.....	Has certain responsibilities with reference to supply, inspection, and maintenance of ordnance matériel; also technical liaison for ordnance design.		-----
Storage sections in general reserve depots:			
Columbus General Reserve Depot, Columbus, Ohio.....	Storage and distribution of various kinds of ordnance matériel.		-----
Little Rock Air Intermediate Depot, Little Rock, Ark.....	do.		-----
New Cumberland General Reserve Depot, New Cumberland, Pa.....	do.		-----
New Orleans General Reserve Depot, New Orleans, La.....	do.		-----
Schenectady General Reserve Depot, Schenectady, N. Y.....	do.		-----

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

- H. R. 4115. An act for the relief of Winfield Scott;  
H. R. 4116. An act for the relief of W. Laurence Hazard;  
H. R. 4117. An act for the relief of Harriet K. Carey; and  
H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

## SURVEY OF AMMUNITION STORAGE

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to law, a report of the proceedings of the joint board composed of officers of the Army and Navy to survey ammunition storage facilities and their points of location, which was referred to the Committee on Military Affairs.

## RECESS

Mr. FESS. Mr. President, in accordance with the agreement entered into earlier in the day, I move that the Senate take a recess until 12 o'clock noon on Monday.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate, pursuant to the agreement previously entered into, took a recess until Monday, March 12, 1928, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

SATURDAY, March 10, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who givest to all men liberally, diminish all evil desire and give mastering strength to the one impulse of pure love. The tender and the mighty God longs for us to have the best. Oh, how wonderful it is for us to have visions, how great it is to do, but the grandest of all is to be. O take the indifferent and the chilled hearts of men and warm them; take their determined wills and soften them. Banish all unworthy fear; and may every to-morrow bring them into a new and beautiful

relationship with Thee. We must serve Thee before we can be glad. Turn our frailties into strength and our disobedience into loyalty. Let us hear the loving litany of the pilgrim's chant. Be before us, with us, and after us. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

## DATE OF FIRST SESSIONS OF CONGRESS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, after the vote on the resolution yesterday and following the advice of the wise men of Congress, I have introduced a bill this morning in keeping with the provisions of the Constitution which would change the date of meeting of the first session of Congress to March 4, following the election on the first Monday of December. This would do away entirely with the lame-duck Congress, and I hope to have the sincere support of the gentlemen who urge that as a remedy instead of a constitutional amendment.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Speaker, I had planned to introduce a bill like the one introduced by the gentleman who has just preceded me. But when I went to confer with my good friend the gentleman from New York [Mr. LAGUARDIA] about some points in my bill I found to my surprise and pleasure that he was just finishing the drafting of his bill. Hence, I shall not introduce any bill but give my wholehearted support to his bill.

The majority floor leader [Mr. TILSON] has stated during the discussion on this resolution that Congress can meet on March 4 if it passes a law fixing that as the date for convening. That is true. Then I ask, Will the majority floor leader use his power in this House to have the bill just introduced enacted into law?

Will there be a need for an early session of the Seventy-first Congress? In my humble judgment there will be an urgent need for it. The House Agriculture Committee is meeting these



days in executive session, in secret session, if you please. Vague rumors indicate that the committee will report out either a bill with the equalization fee eliminated, which agriculture does not want, or one containing the equalization fee but otherwise, so emasculated as to be of no use to agriculture. In other words the present outlook is that the committee will report out a bill which will not be a bill for the relief of agriculture but a bill for the relief of the Republican Party.

If the present occupant of the White House, Mr. Coolidge, should be the occupant at that time—which heaven forbid—we know definitely that he would not convene the new Congress. If Providence or fate should decree that a fine English gentleman by name of Herbert Hoover should be the occupant—the which may all the gods forbid—we know we would postpone the convening of Congress for four years if in his power to do so. If Al Smith is in the White House at that time some of us are fondly hoping he would call the new Congress together, but we have no way of forming an opinion or even of making a good guess. For in his clamlike silence on national and international issues he has nothing to say.

If we could have Senator NORRIS, or Senator JIM REED, of Missouri, or Congressman AYRES, of Kansas, in the White House, we would be assured an early session for consideration of farm relief and for the revision of the iniquitous Fordney-McCumber tariff schedules. But because we do not know who is to move into the White House next March, let us take time by the forelock and meet the contingency now while we may.

In other words, the majority floor leader has made his bet. You will pardon the use of these terms, I know. I have never played poker; but I have seen and heard it played for two weeks while convalescing at Tom Taggart's French Lick Springs, And, in the parlance of the game, this bill will call the bluff of the gentleman from Connecticut. What does he hold? Let him put his cards on the table. [Applause.]

#### PARLIAMENTARY SITUATION—WHITE AMENDMENT

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to call attention to the situation in regard to the Record of yesterday. The gentleman will remember that the situation when the proposed constitutional amendment was being considered was as follows: The resolution that was made in order by the special rule was the Senate resolution. By the terms of the rule it was provided that the resolution proposed by the House committee as a substitute should be read for amendment, and it was so read and amended. The Record does not show that the House amendment was substituted in Committee of the Whole for the Senate proposition.

Of course, it is not material except as a parliamentary proposition. I presume that it would have been cured anyway by the manner in which the question was put after the Committee of the Whole had dissolved and the subject matter had been reported to the House.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. SNELL. Let me read from page 4429 of yesterday's Record, from the bottom of the second column:

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Is this the formal submission of the amendment to the Senate resolution?

The SPEAKER. As the Chair understands, this is the formal submission of the amendment, but not of the resolution itself.

Would not that show that the Senate resolution was considered by the House?

Mr. GARRETT of Tennessee. I presume so. I presume that the defect was cured by the proceedings in the House. But as a matter of fact, if you look to the proceedings in Committee of the Whole immediately above that, there was no formal substitution by vote in Committee of the Whole of the White substitute. At any rate, Mr. Speaker, it is immaterial, the proposition having been defeated. It might raise some question if the proposition had carried, but it is not of consequence now.

But I would like to do this, Mr. Speaker: Unless I am confused as to the procedure, the Senate resolution having been defeated, there will not be now any official print of the matter showing the exact resolution upon which the House voted. I think perhaps it may be of interest at some time to those who may study the question in the future and the debate upon it that there should appear in a concrete way the exact proposition as it was voted upon by the House. I therefore ask unanimous consent that I may extend my remarks in the Record, in which I will incorporate the exact proposition as it appeared before the House.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. That may be of great importance to this extent, that unless it were shown definitely that the White amendment as amended was an amendment of the Senate proposal the Senate proposal is still left before the House unacted upon. It ought to be definitely understood.

Mr. GARRETT of Tennessee. I think any question about that was cured by the proceedings in the House after the committee was dissolved.

Mr. BLANTON. Then it is definitely understood that the White amendment as amended is an amendment to the Senate proposal?

Mr. GARRETT of Tennessee. Yes. The Record does not show the formal adoption in the Committee of the Whole of the White amendment.

Mr. RANKIN. I hope the gentleman will extend his remarks in that part of the Record where the question arose, so that there will be a chronological statement to that effect.

Mr. GARRETT of Tennessee. Very well. I will do that.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record by printing the White amendment to the Senate resolution.

Mr. GARRETT of Tennessee. Yes; the thing that the final vote in the House was taken upon.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Under the leave so granted I include the following, prepared by Mr. Tyler Page, the distinguished Clerk of the House, from the official records of the House:

#### Senate Joint Resolution 47, Seventieth Congress, first session IN THE HOUSE OF REPRESENTATIVES,

March 9, 1928.

The House considered and amended the Senate joint resolution by striking out all after the resolving clause and inserting the so-called White amendment as a substitute, which latter as amended in the Committee of the Whole House on the state of the Union was reported to the House and agreed to. Upon the question on agreeing to the Senate joint resolution as amended by the White substitute it was decided in the negative, two-thirds not voting in favor thereof.

The following is the text of the original Senate joint resolution:

"Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice president and Members of Congress and fixing the time of the assembling of Congress."

For which the White amendment as amended was a substitute:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided by the Constitution:

#### "ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 15th day of January, and the terms of Senators and Representatives at noon on the 2d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 2d day of January, unless they shall by law appoint a different day."

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The Congress shall by law provide for the case of the failure to choose the Vice President before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President."

"SEC. 4. This amendment shall take effect on the 15th day of October after its ratification."

The following is the text of the White amendment, as amended in Committee of the Whole House on the state of the Union and in the House, but which was rejected on the final vote:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

#### "ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and

Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"Sec. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"Sec. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

#### LEAVE OF ABSENCE

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that my colleague, Mr. DOWELL, be given an indefinite leave of absence, on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Interstate and Foreign Commerce.

#### DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Ohio [Mr. COOPER] to preside to-morrow at the memorial exercises.

#### STATEMENT OF THE PRESIDENT OF HOWARD UNIVERSITY

Mr. CLARKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter and statement in response to a query raised in the House the other day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLARKE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter and statement received by me from the president of Howard University, Washington, D. C., referring to a question recently raised by me during debate in the House:

OFFICE OF THE PRESIDENT, HOWARD UNIVERSITY,  
Washington, D. C., March 8, 1928.

Hon. JOHN D. CLARKE,

House Office Building, Washington, D. C.

MY DEAR MR. CLARKE: I wish to thank you for your word in the House of Representatives yesterday, raising the question whether the Honorable Mr. TAYLOR, of Georgia, had made any effort to check up and find out whether I was correctly quoted in the article read into the RECORD by him. I note his answer, "I have not."

If the gentleman from Georgia had made inquiry, I would have gladly furnished him with direct quotations from recent public utterances, bearing a meaning quite otherwise than the one interpreted to the House by him.

Even well-meaning reporters often misquote and misinterpret. The article in the Afro-American was not a direct quotation but an interpretation made two weeks after the delivery of the address concerned. I am sending you herewith a direct and written statement summarizing views which I have often expressed in public. I call your special attention to the underlined portion of the quotation from my inaugural address, in paragraph 3, on page 2. If you feel at liberty to read this

statement in the hearing of the Congress, I shall be very glad, and I believe that the best interest of our country may be well served therein.

With cordial regards, I am,

Sincerely yours,

MORDECAI W. JOHNSON, President.

#### ON AMALGAMATION

By Mordecai W. Johnson, president Howard University

When the distinguished Representative from Georgia made mention of the article in the Baltimore Afro-American, which represented itself as giving my views on the amalgamation of the races, the question at issue was the annual appropriation of the Congress to Howard University. For 50 years the Congress has made an annual appropriation toward the expenses of Howard University. It has done so, I believe, in consideration of the clamant and urgent educational needs of the colored people of the United States, with a genuine desire to help in their fundamental educational development. I do not for a moment believe that the Members of the Congress, facing such needs—and they are still clamant and urgent—would refuse to make that appropriation because of any view on a debatable public question which might happen to have been expressed by an administrative officer of the institution concerned, however much they may themselves be led to disagree with that view.

Moreover, if it should happen to be true that I did recommend to a New York audience the adoption of amalgamation as an expedient for the solution of our American race problem, I do not believe that there would be any dangerously precipitate haste on the part of the American people to adopt that program. Twenty-nine States have already considered this question and have made laws which make intermarriage between the races illegal; and even in those States where such laws have not been made, by far the vast majority of the white and colored people have persisted in the habit of marrying members of their own race. In these States interracial marriage has been the unusual exception.

The fact is, however, that I have made no such recommendation to the American people. On the contrary, I have repeatedly expressed in private and in public, in the North and in the South, in the East and in the West, both voluntarily and in answer to questions, a contrary hope. In no place was this more plainly done than in my inaugural address as president of Howard University, delivered in the presence of an audience approximating 10,000 people, white and colored, June 10, 1927. In this address I said:

"I hope and I do not conceal my hope that his destiny—the destiny of the negro—will be entire public equality, entire good-willed co-operative relations with every element of the American population, and that he will be especially understood by those men who have been his former masters and who have been accustomed to make him a slave. I hope that he will be delivered entirely from every form of public servitude and that he will be redelivered spontaneously by his own consent into a willing slavery to the common good. \* \* \* I hope that this will be a moral accomplishment, not by amalgamation or by any expedient of any kind, even though that expedient should be brought to pass to-morrow morning. Amalgamation would be a beggarly solution of a problem which is essentially moral, and which should be settled in a way which will result in the strengthening of the moral will of both of the peoples engaged in the enterprise. I want my country to conquer all of the inhibitions connected with blackness and all of the fears connected with blackness, but I want the original blackness there and I want that blackness to be unashamed and unafraid."

I did not make this statement on June last in order to satisfy or to placate any body of sentiment represented anywhere in the United States. I have no citadels to gain or to hold that require subterfuge of any kind. It has been and continues to be my custom to speak straightforwardly and in love and to abide the consequences. This inaugural statement I repeated, in different language, at New York, and gave my reasons for it. These reasons do not include any manner of concession to the belief that the negro is an inferior human being and that intermarriage with him would naturally bring an inferior human product. I am certain that the burden of proof lies heavily upon those who assume this. It is not competently supported by biological or anthropological findings and is patently refuted by the achievements of mulattoes in the United States, among whom Booker T. Washington was one.

Nor is my position on amalgamation merely an outgrowth of considerations of expediency, though I recognize that the weight of considerations of expediency would be against intermarriage in the greater portion of those sections of the United States where negroes in large numbers live. Under complex modern conditions marriage is a difficult venture under the most favorable circumstances. Two young people of differing races, starting out in wedlock in a community where the majority of both races would be deeply unsympathetic to the venture, would be enormously handicapped and would be likely to come to grief. Their children, moreover, would be obliged to suffer grievous pain in social relationships.



My position with regard to amalgamation is based primarily upon spiritual and cultural considerations. The 12,000,000 negroes in the United States are spiritual hostages of Africa, in the midst of civilization. As long as there are 150,000,000 Africans who are living under economic and political disadvantage, scarcely knowing what modern educational opportunity is, the black people of America can not suffer themselves to be amalgamated with however so effective a group of white people, for their own advantage. It is their business, in my judgment, to make the utmost possible struggle to commend themselves to the confidence of the American people by their labor and by their intellectual and spiritual competency as black men and to use their utmost powers to persuade the United States of America toward a sympathetic and constructive world policy helpful to the fundamental development of the people of Africa. We are ambassadors, as it were, for a hundred and fifty million black people, a living and, I hope, a persuasive exhibit of the possibilities resident in them, and while being utterly loyal to the country of our residence, it is our duty to enlist the rich and world-wide competence of our Nation in the most helpful possible cooperation for the development of the continent and people of Africa.

I am strongly of the belief also that the black skin of the American Negro is a badge of rich historical experience different in temperament and in spiritual quality from the general run of the experience represented by the white skin, and that it is worth while for the black people of America and of Africa to develop the deepest self-conscious pride in that experience and to bring it to civilized expression, if it is at all possible to do so, with undiminished individuality. I believe that this experience, culturally developed, has a contribution to make to the civilization of America and of western Europe (and indeed to the world), which these sections of the human race will be glad to receive, and the unique existence of which they will be glad to promote, in the long run, without exploitation or domination of any sort.

"And in the last place, black and brown are beautiful to me. I do not envisage a world where there shall be a single mongrel color but a world of black and yellow and brown and white, rich like a garden, a world in which widespread reverence for human life as such will make men not only content to see and to live beside human beings of different colors but will fill them with a sense of romantic adventure as in conversation, spiritual, intellectual, and artistic intercourse and travel, they set out to discover and to appreciate the virtues and beauty of the human soul under all manners of skin color and cultural environment. That day may be a long time away. It will hardly come in its fullness during my lifetime and the lifetime of the distinguished Representative from Georgia. But those who would dogmatically assure us that it can not come, and who on the basis of this prognostication would turn us away from the path of justice, cooperative helpfulness, and mercy which may lead to it must not for their own sakes and for their children's sakes be allowed to persuade us. For my own part, it appears to me to be not only the duty but the supreme opportunity of this Nation to promote the education of the emancipated colored people and of the disadvantaged whites, who under the slave régime never had opportunity for education, as rapidly as both may be done, and at the same time. Men and women of white and black groups who have been made intelligent through educational processes which bind them to their country in gratitude and turn them toward each other in mutual respect can not fail to be better agents in the solution of the difficult human problem confronting us in America.

"Not only on the public platform but in my quietest moments, when I entertain my inmost heart's desire, I am always loyal to the best interests of both these groups. I entertain no hope for the American Negro which involves the destruction or loss of any part of the precious heritage or possibilities of the white people of the South. They have not me to fear. It is God whom they and the Nation must fear, because of slavery and its aftermath. I pray and work daily to the end that this fear may be turned into thanksgiving for us all."

#### THE RADIO SITUATION

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 2317.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. CHINDBLOM. What is the subject matter of the bill?

Mr. GARBER. Radio.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, the air is the common birth-right of all the people and should not be permitted under any circumstances to be monopolized for the selfish interests of any group or section. A survey of actual conditions at the present time evidences an alarming growth of monopoly and discrimination which absolutely demands drastic and immediate action to protect the interests of the people.

#### THE FIVE RADIO ZONES

Under the terms of the radio act of 1927, for administrative purposes the United States and possessions were divided into five radio zones, as follows:

First zone: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands.

Second zone: Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky.

Third zone: North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma.

Fourth zone: Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri.

Fifth zone: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska.

#### DISCRIMINATION IN ADMINISTRATION OF LAW

A cursory glance at the following table showing an analysis of broadcasting licenses by zones reveals unmistakably the trend of present development and the arbitrary exercise of power in the allocation of stations, power, and wave lengths without due regard to the interests of the public:

Analysis of broadcasting licenses

	Population	Population (per cent)	Area (square miles)	Area (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
Zone 1.....	24,378,131	22.73	129,769	3.63	138	213,055	35.30	10
Zone 2.....	24,337,341	22.69	247,517	6.93	115	116,805	19.34	8
Zone 3.....	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4
Zone 4.....	24,492,986	22.83	658,148	18.42	215	164,870	27.31	30
Zone 5.....	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8
Total.....	107,248,228	100	3,571,776	100	701	603,620	100	60

My own State, Oklahoma, is located in the third zone. This zone has a greater percentage of population of the United States than any of the other zones and is second in area. Yet it has fewer stations, only four of which have more than 1,000 watts power, and its total station power is less than that of one single station in the city of New York! The total station power of the first zone is nearly five times as great as that of the third zone, and zone 5, the next lowest zone in terms of watt power, outstrips the third zone by 14,680 watts, has twice as many stations with over 1,000 watts, and yet its population per cent is only 8.59 compared to 23.14 per cent for the third zone! What possible justification can there be for such manifest discrimination against the Southern States? It is but one phase of the development of monopolistic control in the industry which, in ruthless disregard of the principles of equity and justice, feeds and fattens upon the rights of the masses of the people!

#### THE MENACE OF MONOPOLY

The radio monopoly is the largest, most effective, most dangerous monopoly in the world. It threatens the very existence of our democratic form of government, its tentacles reaching out to control the entire system of modern communication, public opinion, the press, the parties, and the Government itself! The market assets of the members of the Radio Trust, including the subsidiaries of the American Telephone & Telegraph Co., aggregate about \$5,000,000,000.

How is this trust seeking to monopolize the air?

First. By obtaining for the broadcasting stations of its chains the best wave lengths which have been cleared for them by the Radio Commission.

Second. By controlling all the "hook ups" between chain stations as well as the "hook ups" between the transmitters, whether chain stations or independents, and the program presentation from outside of their own studio.

Third. By monopoly by the manufacturer of all broadcasting machinery, thus requiring broadcasters to get licenses from the trust before they can have their stations built or equipped.

Fourth. By a monopoly of patents for radio receiving apparatus, under which they collect dividends or royalties from the manufacture of three-fourths of the receiving sets built in the United States.

Fifth. By an attempt to obtain control of the important short wave lengths.

Sixth. By acquiring control of inventions relating to television, telephotography, distance actuation, and all radio discoveries.

As early as March, 1923, the dangerous growth of monopoly in the radio industry was recognized when the House unanimously passed a resolution requesting the Federal Trade Commission to investigate and report on the existing situation. As a result the Commission, on its own motion, filed a complaint charging that the General Electric Co., American Telephone &

Telegraph Co., Western Electric Co., Westinghouse Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and the Radio Corporation of America—have been and are using unfair methods of competition in commerce—

And that—

the respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale in interstate commerce of radio devices and apparatus and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting.

#### PRACTICAL FAILURE OF THE LAW

The radio act of 1927 recognized this evil in the inclusion of paragraph 2 of section 9 of the act, which reads:

In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

But through inconsequential controversy as to the exact meaning of the provision, whether it imposed the obligation upon the Commission to distribute stations, power used, and wave lengths equitably among the States or whether it directed the Commission to so locate stations and to so distribute power and wave lengths to them that there might result equitable service to the people in the different parts of the country, this provision of the law, which was intended to safeguard the rights of the public, has been practically nullified. Allocations of stations, wave lengths, and power have been made, not in accordance with either interpretation of the law but in the interests of commercialism and monopolistic control.

#### INDEFENSIBLE EXERCISE OF FAVORITISM

There are three monopoly stations in the East with 50,000-watt power each, one with 30,000, and one with 15,000-watt power, while west and south of Pittsburgh there is only one station with as much as 15,000-watt power, and in all that vast region only one other station has as much as 10,000-watt power. Thirteen monopoly stations in the East have a station power of 214,000 watts, more than 35 per cent of the total power of the 701 stations, compared with 389,620 watts granted to the other 688 stations. And nine of these monopoly stations, with a total power of 206,500 watts, are on the 25 cleared channels or wave lengths between 600 and 1,000 kilocycles, the most desirable allocations procurable. Seventy-eight stations on these 25 cleared channels have a total licensed power of 323,700 watts, while the other 623 stations, with a total power of only 279,920 watts, are crowded together on the remaining 64 less valuable wave lengths, or an average of more than 9½ of these latter stations on a wave length.

Illustrations of the pernicious spread of monopoly might be multiplied. The hearings of the committee having the problem under consideration are filled with them, official data authenticated by the Federal Radio Commission itself. The intent of the law enacted has been flagrantly violated, injustices predicated upon a mere technicality of interpretation, and the entire field of legitimate radio development strangled in the coils of monopoly. It is a situation which never should have been allowed to occur and for our negligence we are paying dearly.

#### BREAK THE COILS OF MONOPOLY

Immediate remedial legislation is imperative. Senate 2317, amending the radio law, in addition to extending the life of the Radio Commission for one year, substitutes the following paragraph for paragraph 2 of section 9 of the present act, and places the responsibility for the equitable development of the radio industry with the Commission in such terms that there can be no possible misinterpretation or perversion of the law:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Such an amendment is the protection which experience has shown to be necessary to protect the people against the woeful machinations of monopoly.

#### PAID ENEMIES OF JUSTICE

The gigantic Radio Trust is making every effort to defeat this legislation, or to emasculate it so as to protect its own selfish interests. Its paid lobbyists are busy in the Capitol, and the misrepresentations of its propagandists have created widespread apprehension as to the effects of its enactment.

They have carried on an insidious campaign to defeat the measure by assertions that it would result in the revocation of many licenses and the decreasing of power allotted.

#### THE AX TO SPECIAL PRIVILEGE

The alarm is reasonable only in those few high-powered monopoly stations in congested areas which have operated to crowd the smaller independent stations off the air or to force them into such disadvantageous positions on the dial that they are practically silenced. To other States and sections of the country the measure would grant increased privileges and power, and the ultimate result would be a reorganization of the radio field to give the maximum of service to the greatest number of people, recognizing that while many of the programs coming from the big city stations are of general interest, they have no inherent value, either in merit or in the universality of their appeal, over the programs broadcast from the smaller, independent stations. It would reconstruct the radio industry to insure to the people their privilege of choosing their entertainment, break the bands of the monopoly which bind the industry, and secure for the public the essential freedom of the air!

#### CONFERENCE REPORT—WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I call up the conference report on the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The Clerk read the title of the bill.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from California asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 14, 17, 23, 24, 27, 38, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 12, 13, 15, 16, 18, 19, 20, 28, 29, 30, 31, 32, 34, 35, 40, 41, 44, 46, 47, 48, 49, and 53, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$69,740"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,274,278.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,461,551"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$529,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "as amended by the act approved February 18, 1928, and including \$310,000 for Walter Reed General Hospital as authorized by the act approved February 18, 1928,"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and in addition to the sum of \$1,736,619, there is hereby reappro-



priated the following unexpended balances of continuing appropriations: 'Cantonment construction, Panama Canal,' \$204,546.61, and 'Sites for military purposes,' \$241,932.39, in all, \$446,479, to be available for the following as authorized by the act approved February 18, 1928: Steel hangar, \$39,500, and addition to radio hut, \$6,979, Hawaiian Islands; and construction of landing field, Albrook Field, Canal Zone, \$400,000; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of \$11,257,445, there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts and accessories, the sum of \$580,000 of the unexpended balance of the appropriation for 'Army Transportation, 1926'; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum "\$425,000" proposed in said amendment insert the following: "\$150,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That the number of trainees shall not exceed the number which can be trained by the expenditure of this sum and"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the pay and allowances of officers and of enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the Small Arms Firing School, and except the subsistence of enlisted men of the Regular Army who are not members of authorized teams, which pay, allowances, and subsistence shall be paid from other funds appropriated for that purpose"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$825,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Sites for military purposes, \$93,736.92"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$89,191.48"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$876,395.73"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 25, 26, 39, 42, and 45.

HENRY E. BARBOUR,  
FRANK CLAGUE,  
JOHN TABER,

*Managers on the part of the House.*

DAVID A. REED,  
W. L. JONES,  
F. E. WARREN,  
WM. J. HARRIS,  
DUNCAN U. FLETCHER,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

On Nos. 1 and 2: Appropriates for the Army War College under the General Staff Corps, as proposed by the Senate,

instead of under The Adjutant General's Department, as proposed by the House.

On Nos. 3 and 4, relating to military post exchanges: Appropriates \$69,740, instead of \$67,740 as proposed by the House and \$98,140 as proposed by the Senate, thereby eliminating 20 additional hostesses for corps areas at \$1,500 each, proposed by the Senate, but leaving 13 hostesses at \$1,740 each, as proposed in the House bill, and providing \$2,200 for traveling expenses of that number instead of \$200, as proposed by the House.

On Nos. 5, 6, and 7, relating to pay of the Army: Appropriates \$51,563 additional, as proposed by the Senate, for rental allowances to correct an error in the House bill, and restores the interchangeable status of the allotment for payments for officers' mounts as authorized by law, as proposed by the Senate.

On Nos. 8, 9, and 10, relating to the purchase, transportation, and subsistence of horses and mules for the Regular Army under the appropriations "Regular supplies of the Army," "Transportation of the Army," and "Horses for Cavalry, Artillery, etc.": Provides for 2,300 horses and 1,700 mules, instead of 2,400 horses and 1,981 mules as proposed by the Senate and 2,150 horses and 1,450 mules as proposed by the House.

On Nos. 11, 12, and 13, relating to new construction at military posts: Appropriates \$5,084,000, as proposed by the Senate, instead of \$4,874,000, as proposed by the House, thereby adding \$310,000 for new construction at Walter Reed General Hospital, authorized by the act of February 18, 1928, and eliminating \$100,000 for barracks at Scott Field, Ill. The amendments as agreed upon also provide, as proposed by the Senate, that the construction work under the act of March 3, 1927, may proceed as modified by the act approved February 18, 1928, and insert a limitation prohibiting the expenditure of any of the funds for work at Scott Field.

On Nos. 14, 15, and 16, relating to seacoast defenses: Strikes out the reappropriation of \$50,000, proposed by the Senate, for fire-control apparatus in connection with antiaircraft batteries in the United States; inserts a reappropriation, proposed by the Senate, making \$54,000 available for fire-control apparatus for antiaircraft batteries in the insular possessions; diverts the allotment of \$31,060, carried in the House bill, for rehabilitating the cable controlling the mine defenses at Panama, and adds to that sum a reappropriation of \$68,940, as proposed by the Senate; making a total of \$100,000 for fire-control equipment of antiaircraft guns.

On Nos. 17, 23, and 24, relating to the Signal Corps, Medical Department, and Field Artillery activities: Makes provision for tuition of officers detailed as students at civil educational institutions under the appropriation "Incidental expenses of the Army," as proposed by the House, instead of under the separate appropriations for each department, as proposed by the Senate.

On Nos. 18, 19, 20, 21, and 22, relating to the Air Corps: Eliminates \$187,000, as proposed by the Senate, for new work in connection with airships and makes the textual corrections in the bill to accomplish the purposes of the elimination; reappropriates \$446,479 from unexpended balances of previous appropriations for the construction of a landing field at Albrook Field on the Canal Zone to cost \$400,000, a steel hangar and an addition to a radio hut in Hawaii, to cost \$39,500 and \$6,979, respectively, as authorized by the act approved February 18, 1928, instead of reappropriating a total of \$1,018,000, as proposed by the Senate, for miscellaneous construction in Panama and Hawaii; and reappropriates \$580,000, instead of \$1,160,000 as proposed by the Senate, for additional bombing planes to augment the number of 23 provided by the bill as it passed the House.

On Nos. 27 and 28, relating to the National Guard: Appropriates \$2,328,553, as proposed by the House instead of \$2,436,300 as proposed by the Senate, for compensation of help for care of animals and equipment, thereby eliminating the increase of \$107,747 proposed by the Senate for leaves of absence for caretakers; and appropriates \$5,263,150 as proposed by the Senate instead of \$5,180,650 as proposed by the House for arms, equipment, etc., so as to provide \$82,500 additional for 500 horses.

On Nos. 29, 30, 31, 32, and 33, relating to the Organized Reserves: Appropriates \$2,583,667, as proposed by the Senate, for pay and allowances instead of \$2,657,000 as proposed by the House; appropriates \$463,614 for mileage and traveling expenses, as proposed by the Senate, instead of \$371,750 as proposed by the House; makes provision, as proposed by the Senate, for the purchase of blank forms heretofore furnished from Regular Army appropriations; for expenses of camps, makes a direct appropriation of \$1,539,650 and a reappropriation of \$150,000, instead of a direct appropriation of \$1,539,650 and a reappropriation of \$425,000 as proposed by the Senate, and a

direct appropriation of \$1,534,169, as proposed by the House. The effect of the agreements on the Senate amendments is to establish a harmonious relationship in the appropriations for pay, mileage and travel, and camp expenses so as to provide for the training of approximately 19,348 reserve officers and to supply omissions in that respect in the bill as amended on the floor of the House to provide for the training of 20,000 officers. Of the reappropriation of \$150,000, agreed upon by the conferees, \$68,601 is added to the direct appropriation of \$1,539,650 to fill out the amounts needed to provide camp expenses to care for the 19,348 officers and \$81,399 is added to increase the number of flying hours from 15,000, as provided in the House bill, to a figure slightly in excess of 16,500.

On Nos. 34 and 35, relating to the Reserve Officers' Training Corps: Appropriates \$2,970,000, as proposed by the Senate, instead of \$2,953,500, as proposed by the House, in order to provide 100 additional horses, and eliminates the proviso, inserted by the House, prohibiting the use of training-camp funds for the employment of hostesses.

On No. 36, relating to citizens' military training camps: Strikes out the language, inserted by the Senate, providing that the appropriations shall be available to train not to exceed 40,000 trainees and inserts a substitute to provide that the number to be trained shall not exceed the number which can be trained by the expenditure of the appropriation.

On Nos. 37 and 38, relating to the national matches: Modifies the language inserted by the Senate to make it clear that the appropriation for the national matches should not be charged with the pay and allowances of officers and enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the Small Arms Firing School or with the subsistence of enlisted men on such duty who are not members of authorized teams; strikes out the mileage rate, inserted by the Senate, for travel of authorized teams, leaving the subject matter of such amendment to be dealt with in connection with amendment 39, which will come up for separate action in the House.

On No. 40: Appropriates \$32,000, as proposed by the Senate, for improvements at the Chalmette National Cemetery, Louisiana.

On No. 41: Appropriates \$53,026, as proposed by the Senate, instead of \$48,841, as proposed by the House, for the Gettysburg National Military Park.

On No. 43: Appropriates \$825,000, instead of \$590,000 as proposed by the House and \$900,000 as proposed by the Senate, for the construction of roads, trails, and bridges in Alaska.

On No. 44: Improves the text of the appropriation for reimbursement to the city of Miami for harbor improvements, as proposed by the Senate.

On Nos. 46, 47, and 48, relating to the National Home for Disabled Volunteer Soldiers: Appropriates \$200,000, as proposed by the Senate, for additional buildings and equipment as authorized by law for the Pacific branch at Santa Monica, Calif.

On Nos. 49, 50, 51, 52, 53, 54, and 55, relating to the covering of certain unexpended balances of appropriations back into the Treasury: Makes adjustments in the several items to accord with the action taken on Senate amendments proposing the use of certain of such balances for Army activities during the next fiscal year, the result of such action being to cover back into the Treasury a total of \$876,395.73, instead of \$254,874.73 as proposed by the Senate and \$1,445,814.73 as proposed by the House.

The committee of conference have not agreed to the following amendments:

Nos. 25 and 26: Providing \$1,000 additional pay for the constructing quartermaster at the Military Academy.

No. 39: Relating to the appropriation for expenses of national rifle matches.

No. 42: Providing for the preparation of plans, without competition, for the monument at Kitty Hawk, N. C.

No. 45: Relating to the appropriation of \$1,500,000 for reimbursement of funds contributed by local interests in connection with the floods of 1927 on the Mississippi River.

HENRY E. BARBOUR,  
FRANK CLAGUE,  
JOHN TABER,

*Managers on the part of the House.*

Mr. BARBOUR. Mr. Speaker and gentlemen of the House, the statement of the managers on the part of the House fully and completely reports the action which was taken by the conferees on this bill. However, it might not be out of order to touch on a few of the high spots of the conferees' action so that the House may more fully understand just what the conference bill provides.

The total amount carried in the War Department appropriation bill, as agreed upon by the conferees, is \$400,361,640.50. This is \$8,580,627.50 more than was recommended by the Bureau of the Budget. The Senate added \$5,360,706 to the bill as passed by the House. In conference the Senate receded from items amounting to \$1,785,644.50 and the House receded from items amounting to \$1,533,061.50. After the bill passed the House estimates were received from the Bureau of the Budget amounting to \$2,042,000 and they are represented in the Senate amendments to that amount. The Senate receded on comparable items in about the same amount as the House, in fact, the amount covered by the amendments upon which the Senate receded is a little more than the amount covered by the amendments on which the House receded on items exclusive of those supported by budget estimates.

One of the principal changes in the bill as agreed upon by the conferees was that providing for more horses and mules for the Army. As the bill passed the House it provided for 2,150 horses and 1,450 mules. The Senate increased this number to 2,400 horses and 1,981 mules, and the conferees agreed on 2,300 horses and 1,700 mules.

Mr. McCLINTIC. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McCLINTIC. I notice that the Senate has increased the number of horses and mules. Are they for the Cavalry?

Mr. BARBOUR. They are for the Cavalry, Artillery, Engineers, and all of the branches of the Army that use horses and mules.

Mr. McCLINTIC. Does the gentleman think that horses will supplant the use of motor-driven vehicles or that motor-driven vehicles will supplant the use of horses in future wars?

Mr. BARBOUR. I will say to the gentleman from Oklahoma that is a question which is now being studied by the War Department. I do not think that in the immediate future, at any rate, motors will entirely supplant horses and mules. There are many places at the present time where motors can not go, and then we might have military activities in the wintertime where the snows are deep and then horses and mules could be used to much better advantage than could motors.

Mr. McCLINTIC. Does not the gentleman think that instead of increasing the number of horses and mules it would be better to decrease the number, having in mind that motor vehicles increase speed, increase efficiency, and decrease the cost of the maintenance of this branch of the service?

Mr. BARBOUR. If we were certain of all those facts at this time, possibly the gentleman would be right. The amount of the increase in this bill is not an increase of the total number of horses and mules in the Army; it will not much more than take care of their losses during the fiscal year 1929, even if it will go that far. Many of these horses and mules at this time have reached rather advanced ages, some of them—in fact, many of them—being 18 and 20 years of age and even older. This provision in the bill will not any more than take care of the losses, and I doubt very much if it will do that.

Mr. McCLINTIC. The reason I have raised this question is that I read in the press that the Cavalry was going to motorize all of their units, and having that in mind—

Mr. BARBOUR (interposing). The Cavalry?

Mr. McCLINTIC. The Cavalry; yes. That it was going to motorize different units, not all of the units but certain of the units.

Mr. BARBOUR. Does not the gentleman refer to the Artillery?

Mr. McCLINTIC. Well, it might have been the Artillery, but anyhow, it was my thought that the quicker we motorize the Artillery and Cavalry the more efficiency we would have for our Army and the quicker we would decrease the cost of keeping up this branch of the service, and I was hoping that the gentleman, being at the head of the committee or in charge of this bill, instead of being in favor of increasing costs along this line, would be in favor of decreasing the costs, having in mind the keeping up of the efficiency of this branch.

Mr. BARBOUR. I will say to the gentleman from Oklahoma that the number of horses and mules as agreed upon by the conferees and now carried in the bill is not as great as the number recommended by the Bureau of the Budget.

Mr. COLLINS. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Mississippi.

Mr. COLLINS. I think the gentleman ought to let the gentleman from Oklahoma know that losses not only cover death and incapacity of animals but likewise sales of animals.

Mr. BARBOUR. Yes; some of the older horses are sold and disposed of in various ways when they are no longer serviceable, and as stated a moment ago it is very doubtful if the



number now carried in the bill will even make up for the losses during the fiscal year of 1929.

Mr. McCLINTIC. Another reason I raise this point is that a great many of our people throughout the country are wondering why we are still maintaining horse-drawn vehicles and using horses for men in the Army to ride when they know they can be transported four or five times as fast by the use of motor-driven vehicles.

Mr. BARBOUR. That is true, under certain circumstances, but there are places where you can not use motors and you still have to resort to the use of horses and mules. As I mentioned a moment ago, in certain sections of the country in the winter-time, the snow is so deep that it is impossible to use motors, and we must have a certain number of horses and mules until we know definitely that we have something that will do the work as well or better.

Mr. McCLINTIC. I am sure the gentleman and I are both driving at the same point, which is efficiency.

Mr. BARBOUR. Yes.

Mr. McCLINTIC. I can not conceive of any place at the present time where we would need horses to take care of a situation in this country where there are excessive snows; that is, in case of war.

Mr. BARBOUR. At the present time, that may be, but there might be such a situation. That is offered only as a suggestion of a situation that might arise.

Mr. McCLINTIC. I can not conceive of any place where we could use horses better than motor-driven vehicles. Of course, in certain countries of the world there might be a situation arise where we would have to climb mountains, but that is so far removed in my mind that I can not understand why we would have to have more horses or more mules in the future than we have at the present time.

Mr. BARBOUR. At the present time it is not possible to use motors efficiently at all places along the Mexican border. There are many places down there where they still have to use horses. Let me also say to the gentleman that when the House subcommittee brought the bill in we reduced the number of horses and mules recommended by the Bureau of the Budget. The Senate put the number of horses and mules back to the number recommended by the Bureau of the Budget. We have agreed in conference on less than the Senate provided and less than was recommended by the Bureau of the Budget.

Mr. McCLINTIC. Does the gentleman have in mind the approximate number of horses that will be available for each man in the Cavalry?

Mr. BARBOUR. Well, there is a difference of opinion on that. Some contend that the number of men in the Cavalry and Artillery, who should be mounted, are not mounted; and others say that there is more than one horse for every man that should be mounted.

Mr. McCLINTIC. Then I will ask the gentleman this question: How many horses are assigned to each officer in comparison with each man in the Cavalry?

Mr. BARBOUR. My understanding is that each officer is entitled to one horse. If he wants to provide additional horses, he is entitled to buy them himself, and an officer below the grade of major is allowed a certain amount of money for not to exceed two horses he owns himself in lieu of the Government purchasing those horses.

Mr. McCLINTIC. If he is allowed a certain amount of money in lieu of the Government purchasing horses, does he get that money for his personal use if he does not buy horses?

Mr. BARBOUR. No; it is only where he buys and owns his own horses.

Mr. McCLINTIC. Then, even if he is entitled to a certain amount of money, he can not draw that money and utilize it for other purposes, unless—

Mr. BARBOUR. Not unless he owns his own horse or horses; and that applies only to officers below the grade of major. From the grade of major up, even if they own their own horses, they do not get any additional money.

Mr. McCLINTIC. I simply want to make the concluding suggestion that I hoped we can reduce this character of expense in the future.

Mr. BARBOUR. Let me say to the gentleman that there is a study of this subject being made in the War Department at the present time, and, as suggested by the gentleman a short time ago, certain Artillery units are being motorized. The corps artillery is or is being motorized. The divisional artillery is still horse-drawn, but the whole subject is receiving the consideration and study of the War Department, having in mind the very suggestions the gentleman from Oklahoma has made.

Mr. COLLINS. If the gentleman will permit, the gentleman recognizes the fact we have about a horse and a half for every man in the Cavalry.

Mr. BARBOUR. According to some estimates.

Mr. COLLINS. Is not that so?

Mr. BARBOUR. I am not prepared to say that is so.

Mr. COLLINS. The gentleman does not deny it?

Mr. BARBOUR. No; I do not deny it. Neither do I affirm it. Some of the testimony offered before the committee is to the effect that we have not even one horse for every man who should be mounted.

Mr. COLLINS. I do not think the gentleman can make that statement, because we have a fraction over 7,000 men in the Cavalry and we have over 9,000 horses to start with.

Mr. BARBOUR. But many of them are not used as saddle horses.

Mr. COLLINS. Then, in addition to that, we have the mules.

Mr. BARBOUR. Yes.

Mr. COLLINS. And in addition to that we are appropriating \$250,000, at \$150 a horse, which would run over 2,000 horses.

Mr. BARBOUR. My recollection is quite clear that some of the Cavalry and Artillery officers testified—

Mr. COLLINS (continuing). So we have more than a horse and a half for every man in the Cavalry.

Mr. BARBOUR. My recollection is quite clear that some of the officers of the Cavalry and Artillery testified before the committee that there was not one horse for every man who should be mounted in the Cavalry and Artillery.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is there any army in the world to-day seriously contemplating doing away entirely with cavalry or with horse-drawn artillery?

Mr. BARBOUR. According to my information there is not.

Mr. SPEAKS. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. SPEAKS. Under the present law 48 drills per year are scheduled for the National Guard. It is known at the present time that a deficiency will exist for the current year, and also for the following year, 1929. Has any arrangement been made to meet this emergency?

Mr. BARBOUR. I will say that as far as 1929 is concerned I do not think it can be said definitely that there will be a deficiency. There are figures available that would indicate that there will be a deficiency. That is one of the hardest things the War Department has to estimate, because it can not be foretold how many men will attend the drills during the fiscal year, and there are so many uncertain elements that it can not be determined definitely.

The amount carried in the bill was intended to provide for 48 armory drills. I think that was the intention of the House. It was the intention of the Senate and was stated on the floor of the Senate by Senator REED that it was the intention to hold 48 armory drills during the fiscal year of 1929.

Mr. SPEAKS. I agree with the gentleman that it is very difficult to determine in advance the number of men who will report for drills on which payment is based. However, almost three-quarters of the fiscal year 1928 has expired, and it is apparent that there will be a deficiency. I desire to know what arrangement will be made to take care of it?

Mr. BARBOUR. That is a matter for a deficiency appropriation bill; that would not come in this bill.

Mr. SPEAKS. Drill pay for the National Guard is involved in the bill, and it is evident that a deficiency will occur in this item for the current year, and it is important to know what arrangement will be made to meet it?

Mr. BARBOUR. That has nothing to do with this bill. That is a situation that will have to be met when it comes before us definitely and in the regular way.

Mr. SPEAKS. I understand; but I want to get the information in the RECORD so that at the proper time the House and the country may understand that we are requiring men to attend 48 drills per annum and at the same time fail to appropriate sufficient money to pay them for this service.

Mr. BARBOUR. I do not think we have failed to appropriate sufficient money. That is a matter to be considered in connection with a deficiency bill.

Mr. SPEAKS. On the floor of the Senate the question was raised, and Senator REED, basing his statement on the report of General Summerall, admitted that there would be a deficiency for the last quarter of 1928. We are requiring men to attend these drills; if they fail to do so they are punished, so it is important that we appropriate the money necessary to pay

them for services rendered in accordance with their enlistment contract.

Mr. BARBOUR. Does the gentleman say there has been any refusal to appropriate sufficient money?

Mr. SPEAKS. No; but I am endeavoring to ascertain what plan you have in mind for meeting the deficit in the current year.

Mr. BARBOUR. The gentleman is talking about a deficit that will occur in the fiscal year 1928. There is a deficiency bill coming along, and that matter will, of course, be taken up in the consideration of that bill.

Mr. SPEAKS. That is the information I have been endeavoring to secure.

Mr. NEWTON. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. NEWTON. I want to inquire in reference to the change as to the Organized Reserves appropriation. What is the practical effect of the several changes that have been made between the House bill and the Senate bill?

Mr. BARBOUR. The effect with reference to the Reserve Officers' Training Corps is that we provide 100 more hours than the House bill carried. There was an amendment adopted by the House raising the number of Organized Reserves trainees to 20,000, or 4,000 more than recommended by the subcommittee. The House amendment provided for the pay but not for the mileage of the additional 4,000 trainees. The Senate took from the pay item practically enough money to cover the mileage.

Mr. NEWTON. They cut down the number of trainees and added it to the mileage?

Mr. BARBOUR. Yes; and the result is that there will be fewer than 20,000 trainees; but the reduction is small in comparison to the total number, and everyone who trains will receive his mileage.

Mr. NEWTON. What changes did they make with reference to the Organized Reserves that are in the Air Corps?

Mr. BARBOUR. We increased the flying hours from 15,000, as carried by the House bill, to 16,500, or 1,500 additional flying hours.

Mr. STOBBS. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. STOBBS. What was done with reference to the citizens' military training camps?

Mr. BARBOUR. The same amount of money is provided that was carried in the 1928 bill—\$2,801,240. Last summer they trained something like 38,000, because they had a carry-over fund. This year we provided the same amount with the idea that they should train 35,000 trainees. The Senate incorporated an amendment in the bill, which provided that with this sum not to exceed 40,000 trainees should be trained. The conferees agreed on an amendment which provides that with this sum carried in the bill not to exceed the number that can be trained under this amount shall be trained.

Mr. STOBBS. Then there is an increase made in the appropriation provided by the Senate amendment?

Mr. BARBOUR. No; the appropriation was not changed at all.

Mr. STOBBS. The practical result is going to be that if you can train more than 35,000 trainees, all well and good.

Mr. BARBOUR. All well and good.

Mr. STOBBS. And the amount that is agreed to is based on the estimate of taking care of 35,000 trainees?

Mr. BARBOUR. Yes.

Mr. O'CONNELL. And possibly 40,000.

Mr. BARBOUR. There is no limit. The Senate amendment provided not to exceed 40,000 trainees, and the conferees agreed that there should be no definite number mentioned.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I asked the gentleman to yield simply for the purpose of stating that the number of applications for this training this year already is nearly four times as many as at this time last year. The statement was made during the debate upon the bill, when it was in the Committee of the Whole House, that the demand for this training by the young men of the country was increasing from year to year. I have figures supplied by The Adjutant General that up to March 1 this year in the various corps areas 8,815 boys had applied for this training, as against 2,929 up to March 1 of last year.

Mr. BARBOUR. It may be that they are getting their applications in earlier this year. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: Page 51, line 7, after the figures "\$4,000," insert "constructing quartermaster, in addition to his regular pay, \$1,000."

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that amendments Nos. 25 and 26 be voted upon together, because they relate to the same thing. No. 26 is a correction of the total.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from California asks unanimous consent that amendments 25 and 26 may be voted on together. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report amendment No. 26.

The Clerk read as follows:

Amendment No. 26: Page 51, line 11, strike out "\$50,192" and insert "\$51,192."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in Senate amendments Nos. 25 and 26.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 39: Page 68, line 13, strike out the figures "\$500,000" and insert "there is hereby reapportioned the sum of \$500,000 of unexpended balances of appropriations and in amounts as follows: 'Citizens' military training camps, 1925,' \$100,000; 'Reserve Officers' Training Corps, 1925,' \$290,000; 'Reserve Officers' Training Corps, 1926,' \$110,000."

Mr. BARBOUR. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BARBOUR moves that the House recede from its disagreement to the amendment of the Senate No. 39 and agree to the same with the following amendment: At the end of the matter inserted by said amendment insert the following after the sum "\$110,000": "; which funds are in full for the conduct, operation, and maintenance of the national matches and the competitions and Small Arms Firing School held in conjunction therewith, except as may be specifically provided for in other appropriations: *Provided*, That members of authorized civilian teams traveling by train or automobile may be paid travel allowance at the rate of 5 cents per mile, which shall include subsistence while traveling, for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the national matches and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of the return travel."

Mr. SPEAKS. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SPEAKS. This amendment refers to the national matches, which was thoroughly discussed by the membership. I note that while the appropriation is apparently made to carry on the matches as agreed to by the House, it depends somewhat on unexpended balances remaining in certain items back as far as 1925. Is it possible that large sums of money are available for the uses of the department after the lapse of four years' time?

Mr. BARBOUR. Oh, yes. This money is in the Treasury. The effect is the same as if a direct appropriation were made, because the money is there.

Mr. SPEAKS. It is surprising to me, and I think it will be somewhat new to the Members generally, to know that large sums of money are lying dormant to the credit of departments for a period of four years. Is there any system of checking up departmental activities whereby the House might know exactly the amounts unexpended at the close of each fiscal year?

Mr. BARBOUR. Yes. We get statements of that kind from the War Department, and if the gentleman will look at the last two pages of the bill he will find a list of repealed appropriations, based on a statement furnished to the subcommittee by the War Department, of unexpended money. The House repealed those appropriations, but the Senate struck out some of the items repealed by the House and used them for reappropriation in connection with other items.

Mr. SPEAKS. Then we have the assurance of the chairman that the funds appropriated from unexpended balances are actually available for the purposes intended?

Mr. BARBOUR. Oh, yes. Otherwise we would not have attempted to carry them in the bill.



The SPEAKER pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 79, line 24, insert: "Provided, That not to exceed \$5,000 of this sum may be expended for the purchase of plans, drawings, and specifications for the erection of this monument by open competition, under such conditions as the commission may prescribe."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 45: Page 84, line 17, insert:

"FLOOD RELIEF"

"Flood relief, Mississippi River: For the reimbursement of funds contributed by local interests to the Mississippi River Commission, and used for emergency levee construction and repair work on the lower Mississippi River on account of the flood of 1927, \$1,500,000, to be immediately available and to be expended by the Mississippi River Commission: *Provided*, That the provisions of the flood control act approved March 1, 1917, in so far as they forbid expenditures by the Mississippi River Commission for levee work unless local interests contribute one-third the cost thereof, shall not apply to emergency levee work done, or to be done, on account of the flood of 1927."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur.

The SPEAKER pro tempore. The gentleman from California moves that the House recede and concur in the amendment. The question is on agreeing to that motion.

The motion was agreed to.

SPECIAL ORDER TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under the special order the gentleman from Massachusetts [Mr. LUCE] will be recognized for 20 minutes. However, if the gentleman from Massachusetts will withhold, the Chair is informed that there is some question as to what the special order of the House is. The Chair will have to examine it. Does the gentleman from Massachusetts have any recollection of just when the order was made on the day he was granted time?

Mr. LUCE. My recollection is that the gentleman from Illinois [Mr. MADDEN], who made the request, included in it no specifications beyond what appears on the face of it.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MADDEN] recall his request in connection with the special order?

Mr. MADDEN. My request was that the gentleman from Massachusetts [Mr. LUCE] and myself should be given 20 minutes each immediately after the reading of the Journal and the disposition of matters on the Speaker's table. That would bring us now in order, it seems to me.

The SPEAKER pro tempore. The Chair's attention has been called to the fact that a question had been raised.

Mr. MAPES. Mr. Speaker, if the Chair will refer to page 4108 of the RECORD of March 5, 1928, he will see that the request of the gentleman from Illinois as first made provided that the gentleman from Massachusetts and the gentleman from Illinois should have time when it would not interfere with the regular business of the House.

Mr. MADDEN. It does not say that.

Mr. MAPES. That is the request. I read from the RECORD:

Mr. MADDEN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise to ask unanimous consent that on the first occasion after the reading of the Journal and when it will not interrupt any other business that 40 minutes be accorded to the gentleman from Massachusetts and myself to discuss the question against which I objected a few moments ago.

But in putting the request by the Speaker pro tempore no such limitation was put upon the request.

The SPEAKER pro tempore. The Speaker pro tempore specifically requested that the gentleman put his request a little more definitely, which the gentleman proceeded to do in the next paragraph.

Mr. MADDEN. I asked that on the first occasion after the reading of the Journal and the business will not be interfered with I might address the House on Saturday. Objection was made because it might interfere with the business. It was agreed upon every hand that Saturday should be the day.

Mr. CHINDBLOM. Mr. Speaker, I suggest that this is a matter of resolution; it is an order of the House, and the Journal ought to be conclusive. The debate in the RECORD may be illuminating, but this is not in the nature of a colloquy. It is a resolution entered by unanimous consent.

The SPEAKER pro tempore. The Chair is informed that the RECORD simply shows the order as put by the Speaker pro tempore. I read:

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on Saturday next, after the special orders and disposition of other business on the Speaker's table, the gentleman from Massachusetts [Mr. LUCE] may be allowed to speak for 20 minutes out of order, and that the gentleman from Illinois may be permitted to speak for 20 minutes out of order. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, is it not a fact that it was a special order which the House gave consent which was put to it by the Speaker? The language of the gentleman is not governing, but the proposition to which the House gave consent and which the Speaker submitted to it governs.

The SPEAKER pro tempore. The Chair takes that view of the case and so rules, and recognizes the gentleman from Massachusetts for 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from Washington?

Mr. LUCE. Yes.

Mr. JOHNSON of Washington. Following the request of the gentleman from Illinois and the gentleman from Massachusetts, I made a similar request. I take it that I shall be permitted to follow the gentleman from Illinois [Mr. MADDEN]?

The SPEAKER pro tempore. The Chair so understands.

Mr. MADDEN. My understanding is that I shall be permitted to answer the objections that these two gentlemen wish to make to certain methods of procedure in connection with the consideration and reporting of bills, and because of the desire to discuss that phase of it I agreed that I would discuss it with them. My contention is that I have a right to answer the statements made by these two gentlemen.

Mr. GARNER of Texas. The gentleman will have to take his time as it was fixed by the House at the time. The gentleman from Massachusetts will speak 20 minutes and then the gentleman from Illinois will speak 20 minutes.

Mr. MADDEN. At the time it was understood that we were each to speak for 20 minutes on a given subject.

Mr. JOHNSON of Washington. But I did not couple my request with the request made by the two gentlemen. I asked for time independently and asked that I might follow them, and the RECORD will so show.

The SPEAKER pro tempore. The Chair will follow the order.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Aldrich	Cramton	Hancock	McFadden
Allen	Curry	Harrison	Magrady
Anthony	Darrow	Hastings	Martin, Mass.
Arenz	Davey	Haugen	Menges
Bankhead	Deal	Hawley	Merritt
Beck, Pa.	Dempsey	Hull, Morton D.	Moore, Ohio
Beck, Wis.	De Rouen	Hull, Wm. E.	Moore, Va.
Berger	Dickstein	Hull, Tenn.	Morin
Bloom	Douglas, Ariz.	Igoe	Nelson, Wis.
Boies	Douttrich	Irwin	Norton, N. J.
Bowman	Dowell	Jacobstein	O'Connor, N. Y.
Browning	Doyle	Johnson, Ill.	Oliver, N. Y.
Buckbee	Drewry	Johnson, Ind.	Palmer
Burdick	England	Johnson, S. Dak.	Palmisano
Bushong	Fish	Kelly	Parks
Butler	Fitzgerald, Roy G.	Kendall	Peery
Byrns	Fort	Kerr	Quayle
Campbell	Free	Kiess	Rathbone
Carley	Fulmer	Kindred	Robison, Ky.
Carter	Gallivan	Knutson	Sabath
Christopherson	Golder	Kunz	Sanders, N. Y.
Collins	Goldsborough	Larsen	Sears, Fla.
Combs	Graham	Leatherwood	Sirovich
Connally, Tex.	Hall, Ill.	Leech	Stedman
Connolly, Pa.	Hammer	Lithicum	Strong, Pa.

Strother	Thompson	Weller	Wood
Sullivan	Tinkham	Welsh, Pa.	Woodrum
Sweet	Updike	White, Colo.	Wyant
Taylor, Tenn.	Wason	Wingo	Zihlman

The SPEAKER pro tempore. Three hundred and eighteen Members have answered to their names, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, I simply desire to state for the information of the House that I shall move to rise when general debate is concluded upon the radio bill or before that time. In other words, I shall not attempt to reach a vote on the radio bill this afternoon.

The SPEAKER pro tempore. Under the special order of the House the Chair will recognize the gentleman from Massachusetts [Mr. LUCE] for 20 minutes.

#### THE BUDGET BUREAU

Mr. LUCE. Mr. Speaker, we have in the House a small group of men who are performing a most valuable service. They have undertaken the disagreeable and laborious task of studying minor legislation in order that they may make objection to anything which they think ought to be called to the notice of the House.

In what I have to say I have not the slightest word of criticism for them, but rather would take this chance to express my individual gratitude to them for their services.

On the last consent day prior to that of this week one of these gentlemen objected to the consideration of a bill from the Committee on the Library on the ground that the report did not show it had been submitted to the Director of the Budget. As a matter of fact, and as I told the House, there had been consultation with him, but it developed that no formal report had been received. The delay of two weeks only in part caused the disturbance of my mind that followed, for as I reflected upon it I became more and more convinced that there was here the most important occasion for the attention of the House. So last Monday, again on consent day, I undertook to address myself to the subject at what I will frankly admit was an inopportune moment. The gentleman from Illinois [Mr. MADSEN] was perfectly justified in objecting to my continuing. I accept his objection cheerfully, and all the more cheerfully because the result was that he secured from the House this opportunity for the discussion of a question far more serious in point of principle than that to which we have just devoted three days, for the question here involved is that of the separation of the powers and the independence of the legislative branch of the Government.

When the Budget bill was under discussion in 1919 the gentleman from Illinois made a simple and admirable statement as to the purpose in creating the office of the Director of the Budget. He said:

The Bureau of the Budget is simply a clerical force placed at the disposal of the President of the United States to furnish him with information as to how he shall make up the estimates for expenditures to be required for the conduct of the Government for any given year.

Now, see what has happened, quietly, without the recognition of the House itself and without the knowledge of the public. It came about through the issuance of an Executive order, as I understand it, requiring the heads of departments to submit to the Director of the Budget any request for information that might come to him from a committee of the House. The result was that the Director of the Budget has made due response. In all that I may have to say there is nothing personal. I make no strictures upon the Director of the Budget. I am acquainted with him; I admire him and esteem him, and I am grateful for his efficient and patriotic public service. These are not remarks of blame or criticism, unless there be blame of ourselves.

The consequence is that many of the reports coming to the House from committees now contain the statement that the proposal is—or is not—in conflict with the financial program of the administration.

The importance of the situation lies in the fact that this virtually gives the Director of the Budget the whip hand over a large part of the work of the House. This follows from the fact there are but four ways in which most of the committees may secure consideration of their proposals. One is Calendar Wednesday, an institution that is dwindling. In this Congress already there have been 14 Wednesdays. Only 8 of the 46 committees have been reached, and 3 of them, those on Elections,

seldom have any business. Thirty-eight committees remain with only 23 more of probable Wednesdays to be put at their command. It is manifest that in this Congress, as for several sessions back, more than half the committees will have no opportunity to bring their measures before the House of their own initiative.

The second chance is through suspension of the rules. The Speaker, wisely and properly, is very reluctant to grant motions to suspend, because that means limited debate, no full consideration, no opportunity for amendment, no protection against surprise.

The third opening is found in a special rule from the Committee on Rules. This must be reserved for the bills of particular importance, those promising sharp controversy. Only about 25 such rules are granted in each Congress, which means that recourse to them is beyond the reach of the great mass of business of medium or minor importance.

The only other avenue is the Consent Calendar, which is habitually taken up but twice a month. As of course all gentlemen here know, on reaching a bill the first time one man may by objecting prevent action; the second time, a fortnight or more later, three men.

One of the small group of objecting martyrs, as I like to call them and believe they are, has informed the House of his intention to object to the consideration of any measure relating to finance that does not contain a formal report from the Director of the Budget. Another takes much the same ground.

It follows that the door of the Consent Calendar will hereafter be closed to any proposal involving directly or indirectly any expenditure great or small, to be made soon or late, unless the verdict of the Director of the Budget appears in the accompanying committee report.

Does it not become important, then, when this concerns by far the greater part of the measures advised by our committees, to consider the wisdom of this demand by objectors on Consent Calendar days?

Let me disclose the perplexities of the present situation, the uncertainty and confusion that prevail, the need for some rule, standard, or common agreement, by illustrations from bills now pending or that have recently been passed.

Here, for example [holding up a bill], is a curious anomaly. The Assistant Secretary of State asked the Director of the Budget on the 7th of December if, in his judgment, we should pay the French Government for damage caused by one of our naval vessels. On the 16th the Secretary sent to the President a letter, printed here in the committee report, informing the President of the fact that the Director of the Budget had said that this was not inconsistent with the financial program of the Government. Then on the next day the President transmits to the Congress a special message advising that this be done.

I do not want to ridicule, but I can not refrain from pointing out that the President sent this special message to Congress after he had been informed by the Secretary of State that the Budget Director said this was not inconsistent with the President's own program. [Laughter.]

Let us observe some of the committees that are in danger through the progress of this system. Here is the Committee on Agriculture sending in a proposal to buy more land for a nursery, without any report from the Director of the Budget.

Here is another from the same committee of much more importance, a bill to provide more money for extension work by the agricultural colleges. Three days ago I watched it pass the House after barely 10 minutes of discussion, and not a word of objection, although its cost will mount in three years to almost a million and a half a year, and the accompanying committee report made no mention of the Director of the Budget. Thus freakily works the present system, or lack of system.

Here is the Committee on Interstate and Foreign Commerce with a bill authorizing payment of compensation to certain officers of the Panama Canal, without any report from the Budget.

Here is the Committee on the Judiciary with a bill authorizing the creation of new judgeships, with no report from the Director of the Budget.

Here is one from the Committee on Labor, creating a division of safety in the Bureau of Labor Statistics, with no such report.

Here is one from the Committee on Public Buildings and Grounds creating a commission to be known as the commission for the enlarging of the Capitol Grounds, with no report from the Budget.

Here is one from the Committee on Printing fixing the salary of the Public Printer, with no report from the Director of the Budget.

Here is one from the Committee on Military Affairs correcting a military record, and therefore exposing the Treasury to a charge for pensions or otherwise, and another of the same sort.



Here is a third from the same source, all without the approval of the Director of the Budget.

Here is one from the Committee on Coinage, Weights, and Measures authorizing the coinage of 100,000 medals in commemoration of the achievements of Col. Charles A. Lindbergh. No report from the office of the Budget.

Here is one amending the aviation pension act, with no such report.

Here is one from the Committee on Naval Affairs. I have been calling your attention mostly to small things and you may say *de minimis lex non curat*—the law takes no account of the little things—and that we should not stickle over minutiae. But here is the great naval bill that has just come in, a measure contemplating \$274,000,000 of expenditure, with no report from the Director of the Budget.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. BRITTEN. The gentleman, of course, knows that that program is not in conflict with the administration's financial policy and that a report on it was made by the Bureau of the Budget. The mere fact it does not accompany the report does not indicate there was none made.

Mr. LUCE. One of the things I am trying to bring out is that the gentlemen who are watching the Consent Calendar, in demanding that the statement of a report from the Budget Bureau be included in the committee report are not in harmony with the views of various committees of the House.

Here are two reports to which I would particularly call your attention.

One is the report accompanying the Interior Department appropriation bill for 1929, brought in by the gentleman from Michigan [Mr. CRAMTON], wherein are proposed increases over the Budget estimates, all told, amounting to nearly \$300,000. It contained no statement that this is in accordance with the presidential program. You may say that the Budget itself was the presidential program. But weeks had elapsed, and it might have been that there was occasion for a change.

Here is one from the gentleman from Illinois [Mr. MADDEN] reporting the great Treasury and Post Office Departments bill, where increases amounting to almost a million dollars above the Budget estimate were involved, and he did not inform us whether they had been submitted to the Director of the Budget and were in accordance with the presidential program.

I do not criticize that—but what is sauce for the goose is sauce for the gander. [Applause.]

Ah, more than that, it is undoubtedly true that subordinates to the Director of the Budget—because the director could not attend to the details, and nobody ever dreamed that the President would risk health and life in the attempt—that subordinates whose identity we do not know, to whom we can not present the pertinent facts, before whom we have no hearing, are making legislative decisions.

I have here an example, an instance where the Committee on Mines and Mining was blocked on the ground that certain claims should not be sent to the Court of Claims for adjudication because that would be inconsistent with the financial program of the administration.

I am told by a member of the Committee on Military Affairs of an instance where somebody in the Bureau of the Budget took advantage of this opportunity to compel the War Department to change a policy.

My friend from Illinois told me that this is an academic question. If he knew how many Members of the House had come to me and commended my course in opening up the subject, if he knew the difficulties that embarrass the legislating committees, and especially their chairmen, he never would think it an academic problem. It is a practical, present problem. We desire his judgment, we desire to know what to do. We ought to act alike. We want to know what is our moral, ethical, spiritual, political, and constitutional duty. My judgment is that it is not the duty of a legislating committee to consult the Bureau of the Budget or pay attention to its report to anybody else. I think it is the duty of the Appropriations Committee. We of the legislating committees are not concerned with the question of when it may be proper and timely to spend the money. Our task is to determine the wise thing to do. We have another committee, that on appropriations, for the express purpose of saying when the expenditure may be timely, whether it ought to be done later or now. Looking over the broad circle of governmental activity, that committee is to say whether the thing should be done now.

Of course, we of the legislating committees try to save the money of the people. We try never to recommend extravagance in appropriations. It cuts me to the quick when men tell the country from this Chamber that we are all wastrels, trying to

scrape everything we can out of the Public Treasury. I deny that. [Applause.]

I would my voice could carry from the Atlantic to the Pacific in order that it might reassure the people and tell them that the Members of Congress are at least trying to do their duty. We try in the committees to have some sense of proportion in the matter of economy. We believe we make wise recommendations. They may or may not all be wise. The legislating committee is to concern itself with policy and principle, the appropriating committee with prudence and proportion. It is the appropriating committee that should consult the Bureau of the Budget.

Sir, scrupulous regard for the hands of the clock forbids my going further in the matter of details. In the few moments that I have remaining let me say that this country of ours grew out of the struggle between the colonial governors and their assemblies. The War of the Revolution was the result of attempt by the Executive to infringe the prerogatives of the legislative branch.

The right of independent decision by the representatives of the people is the corner stone of this Republic. The declaration of that right is the guardian and protector of our liberties. Let us not watch idly, without due reflection, without at least some consideration, the insidious progress of a system, habit, custom, or whatever you may call it that will deprive us of our rights, that will invade our responsibilities, that, if unchecked, will in the end destroy the American system of government. [Prolonged applause.]

The SPEAKER pro tempore (Mr. MICHENER). The Chair recognizes the gentleman from Illinois [Mr. MADDEN] for 20 minutes.

Mr. MADDEN. Mr. Speaker and gentlemen, if this were a contest in oratory, of course, I would not presume to compete with the distinguished gentleman from Massachusetts [Mr. LUCE]; but this is a discussion of facts, and I presume that I am quite as capable of stating the facts as is the gentleman from Massachusetts, although I may not be able to do it as well. I was very much pleased to note the enthusiasm displayed by the House when the gentleman from Massachusetts called attention to the fact that the chairman of the Committee on Appropriations only a few days ago, when reporting the Post Office-Treasury appropriation bill, had increased it \$1,000,000, and that that had been done without any consultation with the Director of the Budget.

Mr. GREEN of Iowa. No; he did not say that.

Mr. MADDEN. Well, practically that. He said there had been no report. Every item that was carried in the bill was submitted to the Committee on Appropriations by the Budget before the Committee on Appropriations began the consideration of the question at all, and while there may have been a total increase of a million dollars in some particular items in the bill, the facts are that the bill carried \$8,230,000 less, when the committee got through with it, than it did when the estimates came from the Budget. Do we hear any applause from that? Not a bit.

Mr. Speaker, I think that what we need first in this question is a restatement of history, and I shall presume to say what I have to say based upon that. First, a brief history of the chaotic practice relative to appropriation and authorization legislation before the budget system was established. The President was not required by law, and in fact could not under the law have much to do with the submission of any kind of a financial program. That is the first proposition. He was not charged with the responsibility of the finances of the Government until the Budget act was passed. The heads of departments and bureau chiefs were supreme in the preparation of estimates and no one anywhere, outside of the department itself, had any authority to say what the total to be recommended by the executive branch should be. The Secretary of the Treasury performed a perfunctory ministerial duty of gathering together all of the practical and idealistic estimates of all heads of departments and bureaus, and forwarded the unrelated, uncoordinated, extravagant mass of figures to Congress to unscramble.

The Congress was no better organized to receive the heterogeneous mess which came to it than was the executive branch of the Government which sent it in.

This procedure continued through the war period and helped to accentuate the wastefulness which characterized that period of our history. With the close of the war came a demand from the American people for drastic retrenchment from the inflation of the war, a reduction of taxation, and a return to normal governmental activities. Congress responded to this demand, and in formulating legislation to help bring the exaggerated

governmental costs down to a sane basis passed the Budget and Accounting Act of 1921.

The Budget and Accounting Act made two very important requirements: (a) It compelled the President of the United States, for the first time by definite law, to become responsible for a program of estimates and expenditures to be submitted to Congress and to harmonize that program with the estimated receipts. This was a distinct advance over the previous practice where he took only a cursory interest in expenditures. (b) It curtailed the individual freedom of departments and bureaus to submit to Congress any requests for appropriations that they might conceive to be necessary or desirable.

There are two ways of increasing the cost of the Government—(1) by increasing the existing appropriations, and (2) by the enactment of new legislation which either requires new appropriations or the increase in an existing appropriation.

The President, soon after the passage of the Budget and Accounting Act in June, 1921, realized that unless attention was paid to requests for legislation emanating from the executive departments which would cause an increase in expenditures that it would be almost futile to perform his duties under the new law with respect to direct appropriations. Accordingly, in December, 1921, President Harding directed the issuance of what is known as Budget Circular No. 49.

With the permission of the House, at this point I insert a copy of this Circular No. 49:

(Circular No. 49)

TREASURY DEPARTMENT,  
BUREAU OF THE BUDGET,  
Washington, December 19, 1921.

TRANSMISSION TO CONGRESS OF ESTIMATES OR REPORTS INVOLVING  
APPROPRIATIONS

To the heads of departments and establishments:

1. The Budget and Accounting Act, 1921, provides in part as follows:  
"SEC. 201. The President shall transmit to Congress on the first day of each regular session the Budget, which shall set forth in summary and in detail—

"(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year of the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision."

"SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget."

2. To insure that all estimates or requests for appropriations originating within the executive branch of the Government are presented in the manner prescribed in the Budget and Accounting Act, 1921, it is further provided in section 206 of said act that:

"No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request \* \* \* shall be submitted to Congress or any committee thereof, by any officer or employee of any department or establishment, unless at the request of either House of Congress."

3. The language of section 206 relates only to estimates or requests for direct appropriations or increases in items of prospective appropriations. But it is necessary for a full compliance with its spirit that all requests or recommendations for legislation, the effect of which would be to create a charge upon the Public Treasury or commit the Government to obligations which would later require appropriation to meet them, should be first submitted to the President before being presented to Congress. It is therefore directed:

(a) Before any request or recommendation of this character, originating in or sponsored by any executive department or independent establishment of the Government, is sent to either House of Congress, or to any committee thereof, it shall first be submitted to the Director of the Budget, who shall make recommendations with respect thereto to the President. And no such request shall be submitted to either House of Congress, or to any committee thereof, without having first been approved by the President. When so approved, the request or recommendation to either House of Congress, or to any committee thereof, shall recite the fact that such approval has been obtained.

(b) Whenever any request or measure proposing legislation, with the purpose or effect set forth above, shall be referred to any executive department or independent establishment for advice or expression of opinion thereon, the head of the executive department or independent establishment concerned shall ascertain, through the Director of the Budget, whether or not such recommendation, request, or measure is, in accord

with the financial program of the President. And such advice or expression of opinion when transmitted shall include a statement whether the proposed legislation is or is not in such accord.

(c) That copies of such requests, recommendations, or proposed measures referred for advice as in subparagraph (b) shall be promptly furnished to the Director of the Budget for the information of the President. By direction of the President.

CHARLES G. DAWES,  
Director of the Bureau of the Budget.

The Budget and Accounting Act does not contain any specific reference to legislation which authorizes appropriations, nor is there in that act any specific authority for the issuance of the circular. The act, however, does provide—

under such rules and regulations as the President may prescribe every department and establishment shall furnish to the bureau such information as the bureau may from time to time require.

Legislation which emanates from the executive departments must, as a matter of course be justified; and when sent up to a committee, it should be the duty of the committee to return it if the department has not already given satisfactory reason for asking for the legislation for further information. Does anybody object to information in connection with legislation pending or passed? It seems to me that our first duty, and our greatest pleasure, should be the acquisition of all the information that will place any light upon any subject that may come before us for consideration. Is that against the dignity of a Member of the House? Does it take any of his rights away? Does it restrict him in his right to think? There is no obligation upon the part of a Member of the House, or on the part of a committee of the House, even though they have the information supplied that would lead them to an intelligent conclusion, to accept the information. They can act as wisely or unwisely as they think proper to act. It may be that they will reach a wise conclusion without information, but they will be more certain to reach a wise conclusion if they have the information on which to base a judgment.

It is the practice now of committees of the House to refer bills to the various departments and bureaus for report. What objection can there be if one further step in such report procedure is taken, when additional expenditures are called for, and the bill referred to the agency which represents the President in matters affecting estimates, appropriations, and expenditures to determine his views thereon?

Congress should be willing, in the enactment of legislation, to get accurate information and views from the President on these matters as well as from the head of a department, the chief of a bureau, or a subordinate in the remote corner of a department somewhere.

Had the President any right to issue that circular? Had he a right under the act to make the regulations requiring that certain things should be done? Do we complain because the President acted efficiently? Are we chagrined because, forsooth, the agency employed by the President to accumulate information upon which he may act intelligently and patriotically has done its work well? Are we opposed to an efficient Government? If we are, all we have to do is to go back to the old chaotic conditions we found before the Budget and Accounting Act was passed. Has the President of the United States under the Budget Act been wise? Has he acted economically; has he been patriotic; has he performed his duty; has he assumed legislative authority which he did not possess? What is it about which we complain then? Is it because the President, in order to carry out the responsibility that we have placed upon his shoulders under the Budget Act, insists that he shall have the information which will enable him to perform his duty intelligently? Do we complain because of any special indignity that we may think is imposed upon us because we have to get information?

Are we opposed to the President's efficiency? Has there ever been a man anywhere, in any place, President or otherwise, who has proven his worth more than President Coolidge has under the conditions imposed upon him by the Budget and Accounting Act? [Applause.]

Now, the act goes further than merely placing this responsibility upon the President, for it prohibits any officer or employee of any department or establishment of the Government from submitting any request or estimate for appropriation to the Congress or to any committee unless either House—not a committee—unless either House should request such a submission. The President is the executive head of the entire Government. The heads of the departments are members of his Cabinet. He can require reports from them on matters affecting their respective departments.

Do we object to the President possessing a knowledge of the things that are being done by the heads of the departments



over which they preside? Can anybody object with any good reason to the President requiring the head of every department to scrutinize everything that comes within his jurisdiction, so that he may make a faithful report to the Chief Executive of the Nation? Do we want the Government conducted on systematic lines? If we do, we will not complain that the President requires the heads of his departments to have knowledge of the facts.

Now, the Constitution of the United States requires the President of the United States to keep the Congress of the United States advised as to the state of the Union. How can he keep them advised unless he gets the facts? He can not know unless he has agents at work acquiring the information upon which he may advise us. We all know that the President can not do all these things himself; and I repeat, that the Budget Director or the Budget Bureau is only the agency appointed by the President and authorized by the Congress to obtain such information as will enable the President of the United States to reach an intelligent conclusion upon the important and vital questions that come under his jurisdiction under the law.

Is there any objection to that? Why should he not be empowered to do it? Why should he not have that agency? Why should he not instruct that agency and have the right to tell every department chief under the Government to submit the information that they have acquired in the conduct of the affairs under their charge to his agent, the President's agent, the Director of the Budget, so that the Director of the Budget, the President's agent, may be in a position to analyze the facts in the case for the President's intelligent consideration? There can not be any objection to that.

Now, what does the circular do? Before any establishment or department of the Government shall send to the Congress a recommendation for legislation which has originated in the department or establishment, such a request must be submitted to the Bureau of the Budget, for the reason that I have just stated, and for the recommendation of the President; and no such request for legislation can be submitted to Congress, and properly so, without first having the approval of the President.

Now, that does not stop any Member of the House from originating any legislation. If he has the capacity to write a bill on any subject, nobody will interfere with his right. He can introduce the bill. He does not have to consult the President or the Director of the Budget. He can do what he pleases, if he can get votes enough to pass it, without any consideration from anybody on the outside.

Any request or measure proposing legislation requiring the expenditure of money and referred to any department for report must, before it is returned to Congress or a committee, be referred to the Bureau of the Budget to ascertain whether it is in accord with the President's program with relation to the finances.

Is that proper or is it improper? The President is required, for example, in the Budget he submits to Congress to state what the expenses of the Government are to be. He reports then what the income of the Government is to be. Between the report of the income and the outgo the President fixes the activities in which he thinks the Government should engage. And it may well be that after we have appropriated what money there may be between the two lines, the income and the outgo, legislation involving billions—that may be a somewhat exaggerated statement, to put it that way—but millions beyond the income may be brought in.

Now, is it any part of the President's business to find out whether we are going beyond the income? Would you like to see a deficit created by any chance from not having a coordinated system of activities within the Government whereby every right of the taxpayer and every right of the Member representing the taxpayer is safeguarded?

It is not binding, as I said, on any Member of Congress to ask for information from a department. The information from the department is not binding. The Member of Congress has the supreme right under his authority as a Member of Congress to act as he pleases. He may not act wisely, but that is for him to decide. These reports give Congress information on the financial state of the Government which otherwise we possibly would not have.

The Budget circular is in the interest of coordination and an economic conduct of the affairs of the Government, and is disliked sometimes because in some cases it curtails opportunities to bring about the appropriation of money which could not be obtained through regular Budget procedure.

In this connection, I want to place here in the *RECORD* an extract from a report on a bill referred to one of the executive

departments for its comment and opinion. The bill is not a consequential bill nor is there any significance to the amount of money proposed to be authorized by the bill, but a departmental attitude toward the Budget and the procuring of funds for departmental activities is made quite apparent by the department's comment, which is as follows:

While it is true that the provision of law cited above gives a general authorization under which an estimate for the project could be submitted without necessity for additional legislation, I favor the bill for the following reasons: It is desirable to construct the storehouse in question. The enactment of this bill into law will indicate the specific approval of Congress for this particular project and will presumably render it easier to secure appropriations therefor in the future. The proposed legislation has been submitted to the Director of the Bureau of the Budget. He advises that if I consider the legislation necessary before I would be justified in submitting an estimate for the project in question, my report on this bill would not be in conflict with the financial program of the President. As indicated above, I do not consider that legislation is absolutely necessary, but do consider that it is desirable in order to make it easier to secure an appropriation for this particular project.

I am not an advocate of the House of Representatives surrendering its prerogatives. I do believe that when Congress secures advice and information from the so-called spending agencies of the Government as to the advisability of enacting certain legislation which calls for the expenditure of money we may well at the same time have the views of the President, through his Budget agency, as to the relation the legislation may bear to the financial situation of the Government. The practice under the operation of this circular can be improved. Even the Budget system itself is not thoroughly perfected. Our Government operated for over a hundred years without such a system, and we can not expect that in the space of seven years in which it has been in effect to have a procedure that will be perfect or that will not perhaps invoke just criticism. My hope and aim in connection with the Budget system has been for a gradual evolution and development that will constantly improve the intelligent and economical handling of the Government's financial problems. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. JOHNSON] for 20 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, ladies and gentlemen of the House, I feel greatly honored in that I follow the two gentlemen who have preceded me in the discussion of so important a subject as the Bureau of the Budget and its effect on the House of Representatives. Representatives LUCE, of Massachusetts, and MADDEN, of Illinois, are among the giants of the House, each very earnest in his desire to serve the people, each painstaking and thorough in his work here. [Applause.] The debate has been highly illuminating. Perhaps I can add little to it; I shall, of course, not attempt to comment on the able presentation made by the gentleman from Illinois [Mr. MADDEN].

From the time the Bureau of the Budget Act was placed in operation, about seven years ago, I have observed each year the increasing power of the Bureau of the Budget, until now I am inclined to believe that the Bureau of the Budget is developing into a third house of Congress, with more power under certain conditions than the Senate and the House. [Applause.] In my opinion, the Bureau of the Budget not only exercises a veto power prior to legislative action but a power more formidable than the Executive veto. I believe also that the Bureau of the Budget has turned down proposed constructive legislation not because such legislation is in opposition to the financial policy of the President but because such bills of House or Senate are repugnant to the views of the coordinating officers of the Bureau of the Budget. [Applause.]

We have a fine official in the present Director of the Bureau of the Budget. We created the position; gave great power. We were doubtful then; but we needed a budget system, and we were promised that there would be no abuse of power. It is not my purpose to criticize the director. He is acting as best he can in a trying position, but under him are a number of coordinators loaned from other services—from the Army, Navy, and elsewhere. They are serving without additional pay and act as a coordinating service, and I find that that service, under the director, undertakes to write bills, undertakes to revise bills sent down by chairmen of committees, has its own views as to what is right and what is wrong as to legislation, and undertakes to advance its views. If that is so, then that bureau is in fact exercising a legislative as well as an executive function. Every schoolboy knows that the Constitution di-

vides our Government into three coordinate branches—legislative, executive, and judicial—of equal dignity, but each a check on the other. Is it not beginning to appear that we have developed a fourth branch, the Bureau of the Budget, which each year steps a little further beyond its advisory capacity and a little more into the control of legislation?

Each year we hear the appeal to economize on paper clips, blotters, and the like, even the backs of envelopes. But if in so doing we weaken the representative form of government, what have we gained? Neither is it fair that Congress shall also be charged with extravagance, or that Secretaries of departments and Assistant Secretaries shall be always saying to the people and to individual Members, "You are quite right; we need this or that; but we can not do a thing until Congress acts." And we ourselves, gentlemen, seem to have let things come to a pass where we really can not act without great strain, great stress, and great opposition to the Budget, all of which, I assure you from personal knowledge, is not easy to bring about.

Mr. Speaker, I have been informed by a number of chairmen since this debate was announced that bills which they did not think were contrary to the financial policy have been referred to the department, and thence, under orders, sent to the Bureau of the Budget, only to be returned with a line at the bottom that the bills were in opposition to the President's financial program.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. LAGUARDIA. Is it the fault of the Budget Bureau or the submissiveness of the chairmen?

Mr. JOHNSON of Washington. Well, the chairmen want to be fair rather than entirely submissive, and chairmen desire to act in harmony with the general legislative program.

Mr. LAGUARDIA. Then they could report their measures and bring them up, could they not?

Mr. JOHNSON of Washington. Chairmen are undertaking to do that; but please consider the hurdles ahead of such bills. Chairmen of nonprivileged committees have but few ways of getting bills up for consideration by the House—a rule, suspension of the rules, or by unanimous consent. The gentleman from Massachusetts [Mr. LUCE] has explained our troubles along that line.

Let me inform the gentleman from New York that there has just been reported from the committee of which I have the honor to be chairman a bill reorganizing the immigrant inspectors' service and making certain pay increases. Such a bill has passed the Senate. It was referred to the House Committee on Immigration and Naturalization. It has been ordered favorably reported by that committee without amendment.

That bill involves an increase in the pay of immigrant inspectors of about \$150,000 the first year. The bill has never seen the Bureau of the Budget. It is not even acquainted with that arm of the Government.

Mr. LAGUARDIA. Does not that bill show that the Bureau of the Budget is simply advisory and not binding on this House?

Mr. JOHNSON of Washington. If that bill ever gets up on the floor, we will have a fine chance for a test. But, as chairman, I will have only certain limited ways to get that bill up; and that bill is proper, needed legislation.

Mr. MOORE of Virginia. Will the gentleman permit a question?

Mr. JOHNSON of Washington. I yield.

Mr. MOORE of Virginia. A little while ago we had before us an appropriation bill which, I think, the gentleman sought to amend by increasing the appropriation for the pay of inspectors. That matter was brought before the House, and nothing which the Bureau of the Budget had done or nothing that the Appropriations Committee had done prevented that from being voted on. The amendment was voted down, but the gentleman had full opportunity to secure an expression from the House.

Mr. JOHNSON of Washington. The gentleman is not quite correct. The proposal to increase the pay of inspectors was not up; an amendment to increase the lump sum for the Immigration Service, including the border patrol, was proposed and met heavy opposition from the Appropriations Committee, whose members proposed that our committee bring legislation authorizing increased expenditures.

Mr. MOORE of Virginia. But the fact remains that the gentleman had full opportunity to bring that matter to the attention of the House and secure an expression from it.

Mr. JOHNSON of Washington. Under the five-minute rule; and defeated on the ground that neither Budget nor Appropriations Committee had facts to warrant the proposed increase.

Mr. MOORE of Virginia. But the gentleman had the right to do it and did bring the proposition before the House.

Mr. JOHNSON of Washington. Yes; as best I could, and when I undertook to move to recommit I was not even recog-

nized as leader of that particular movement. Oh, there is more than one way to skin a cat. Gentlemen know how little can be accomplished by amendments proposed under the five-minute rule. Gentlemen will find in the CONGRESSIONAL RECORD time and time again in the past several Congresses where members of the Appropriations Committee have warned Members in the Committee of the Whole House on the state of the Union that they are wasting time in offering amendments and discussing them under the five-minute rule. All of this tends, I think, to weaken the House; to weaken the will to attend the sessions when appropriation bills are under consideration, and ultimately to weaken the committee. Chairmen have no desire to fall outside the breastworks. Teamwork is desirable. Cooperation and good feeling are necessary, but no one wants a perfunctory House of Representatives simply to keep step and march along. [Applause.] Frank discussion is necessary. The rights of committees can be preserved. I have a case in point. Bills were introduced in the Senate—one, Senate 1576, a bill to authorize the Secretary of the Treasury to transfer certain forfeited vessels and vehicles to other executive departments. The other is H. R. 11188, a bill to provide for the transfer to the Department of Labor of certain forfeited vessels and vehicles.

Notice that these bills are not identical, as the Senate bill provides for the transfer of certain forfeited or seized vehicles and vessels to several departments, whereas the House bill provides for their transfer to one department, the Labor Department, meaning that certain vehicles seized and given into the custody of the Treasury Department should go to the Immigration Service.

The Senate bill was sent to the Secretary of the Treasury for a report, and that report to Senator Smoot carried the customary concluding line:

It may be added that this department is advised by the Director of the Bureau of the Budget that the proposed legislation is in conflict with the financial program of the President.

The House bill was referred to the Committee on Ways and Means, and the chairman, the gentleman from Iowa [Mr. GREEN], sent it down to the Treasury Department, and back came a letter calling attention to the report on the Senate bill—they are not identical, mind you—with this old familiar line:

It may be added that the department has been advised by the Bureau of the Budget that the proposed legislation is in conflict with the President's financial program.

The House bill was an entirely different bill and had been prepared after an understanding in the Committee on Immigration and was introduced by the gentleman from Vermont [Mr. BRIGHAM], and when I found that the gentleman from Iowa, the chairman of the Ways and Means Committee, had this report I undertook to investigate. I learned with respect to the report on the House bill that the bill had not been sent to the Bureau of the Budget at all, but that the Treasury Department had assumed that because there had been this adverse report as to the financial policy with regard to the Senate bill they were justified in adding it to the report on the House bill. That was a mistake, but it hung a millstone on the neck of the House bill.

I am now informed that the department is undertaking to withdraw its letter to the distinguished chairman of the Ways and Means Committee, and that the gentleman in this Budget coordinating service, under the director, who, I am inclined to think, is in sympathy with the movement to increase the effectiveness of the immigration patrol, has prepared another letter dated about five days ago; and this letter is on the desk of the Director of the Budget, waiting for him to return to the city to sign it and send it up here and get it a record in the gentleman's committee.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. GREEN of Iowa. I simply want to add that, whether there was a mistake or not, I was not disposed to accept the letter which the gentleman has read, because the bill that was introduced and referred to the Ways and Means Committee plainly is one that would save money, and how it could possibly come in conflict with the President's financial policy was more than I can imagine.

Mr. JOHNSON of Washington. I thank the gentleman. The gentleman speaks exactly to the point. This bill in all probability is a bill making for economy, yet it gets the "kibosh" in advance from the Bureau of the Budget, when, as a matter of fact, it is entirely a matter for a committee of the House to decide, and later for the House to decide in Committee of the Whole.



Mr. BLACK of Texas. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman.

Mr. BLACK of Texas. Is there anything to prevent the committee from so deciding notwithstanding the recommendation of the Bureau of the Budget?

Mr. JOHNSON of Washington. No; because this particular bill is in the hands of the Ways and Means Committee—a privileged committee. But bills of this kind in other committees have a long, hard row to follow to get before the House itself. The committee of which I am chairman has not been called on a Calendar Wednesday probably for six years—so far back I can not remember the last time it was called. We are not a privileged committee. How can small bills be brought up except by unanimous consent? When they are brought up in that way, is not the Budget millstone of nonapproval—whether right or wrong—hanging about their necks? That is the whole point of it. Why some zealous gentleman will call out, "I object" before an explanation can be made. The gentleman from Massachusetts has explained that phase in detail.

Mr. SIMMONS. Will the gentleman yield?

Mr. JOHNSON of Washington. I can not yield now because my time is running rapidly.

I have here a statement which I will ask permission to place in the RECORD, showing the number of automobiles seized under the prohibition laws and their disposition. You will find that the Customs Service and the prohibition officials receive many of these seized automobiles. They drive out in these districts right alongside of immigration inspectors who have Fords or Chevrolets paid for at full price by the Government. The average price of automobiles sold at auction is \$104 each. In other words, those machines that are practically junk are sold and those that are good are kept for two of the services, and when we undertake to bring in a bill which would allow them to be transferred to the Immigration Service we find that the coordinating service in the Bureau of the Budget has been trying to write a bill of its own and that ours is said to be against the financial program.

I made further inquiry; and how do you suppose they bring it in conflict with the financial program? They say a certain service has the use of seized automobiles, and therefore they must have gas, and if they buy gas it costs money, and if it costs money then it is in opposition to the President's program. [Laughter.]

But the Immigration Service is allowed by law to buy a limited number of new automobiles. They do buy them, and they have to buy gas, and that costs money, which comes out of the lump-sum appropriation for the Immigration Service. That service runs short every year, which causes it to do what it is doing right now—mark time, slow down, discontinue arrests for want of money to deport.

Incidentally, let me say that the officers of the Labor Department are not very keen about this bill to let them have a few secondhand seized cars, after the Treasury Department has had its pick for itself and has sold the salable ones for \$104 each.

Mr. Speaker, in conclusion let me say that if the Members of the House knew how the protective service of the Immigration Bureau is breaking down they would demand immediately the passage of a bill to remedy the situation. For instance, take the El Paso district, composed of several hundred miles along the Texas border from El Paso west, and including all of the State of Arizona. This one district is allowed \$50,000 a year for deportation purposes, except steamship fares, and this \$50,000 is divided into quarters and each quarter must last three months. This district now has no money under its allotment to hold hearings, as required by law, in the cases of aliens arrested for deportation; no money even to hold them overnight in jail. What is the result? The Immigration Service arrests certain aliens—possibly criminals or insane—then turns them loose, and after July 1, when they get some money from the new appropriation, will try to pick them up again. Is this economy? No; it is wasting money.

The district at Helena, Mont., covering a wide area on the northern border, is allowed \$150 a month for deportation purposes. It has one inspector to go out over that great district. If he travels he is allowed \$6 a day and if he is out 10 days he uses up \$60 of the monthly allotment and uses railroad fare in addition. So when he gets his man he has nothing to deport him with. He turns him loose. Then there is also the Birmingham, Ala., district, which is also close-hauled. If a committee of the House finds these things out, where shall we go? To the Budget or to the House?

In the Newport, Vt., district the inspectors have set free 50 alien deportees within the last few months for want of money to provide for their deportation. They were aliens probably de-

portable; one is insane and certainly deportable. He is now in a State insane asylum. Is there any economy in that?

The Immigration Service does not like these facts to be publicly known. It increases their difficulties. But aliens pass the word quickly from one to another. Pressure at the borders increases. Why should not the public know? Why should not Congress know? Why does not the Budget know? It does, in my opinion.

The Immigration Service is the one service that the more it does for the Government and the people, the less chance it has to do for itself. It receives a lump sum. It is always spent. There is never any money for promotion, for improvement, for repairs, or for advance. Officials can not appear before committees voluntarily. What information we get has to be "corkscrewed" from reluctant witnesses who each time they answer pointed questions are afraid they have put their necks on the block awaiting the fall of the guillotine's knife, fearful of that order against talking "under penalty of separation from the service." Gentlemen, when Congress set up the Bureau of the Budget it never intended that any such thing should happen. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed upon this subject for 15 minutes. The chairman of the Committee on Merchant Marine and Fisheries has announced that he does not intend to try to press the radio bill to a conclusion, and I trust that it is not unduly infringing on the time of the House.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Tennessee asks unanimous consent that he may proceed for 15 minutes on the subject that has been recently discussed in the House. Is there objection?

Mr. MICHENER. Reserving the right to object, and I shall not object, I give notice that I will object to any further requests for this afternoon.

Mr. GARRETT of Tennessee. Let me be perfectly frank—if it is interfering with the business that ought to go on I shall not insist upon it. I do not want to interfere with the proper business of the House. It will be no offense to me if any gentleman objects. [Cries of "Go on!"]

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, the discussion this morning has caused my mind to run back over a period beginning probably some 15 years ago, and to a particular individual who for a considerable part of that time loomed very large in the House of Representatives and the country. I refer to the late John A. Moon, who for so long a time was a Representative from my own State of Tennessee.

Judge Moon was always a determined foe of the establishment of the Budget. Many of the things that have been related here this morning as having occurred since the institution of the system were clearly envisioned by him in the days when he was opposing its establishment.

Possibly it will be of some interest to the House as a matter of history to recount some of the activities before the Budget system was actually adopted.

I think during the first Congress of which my party was in control, the Congress elected in 1910—certainly if not then, in the succeeding Congress—our party undertook through caucus action to deal with this question. When I say caucus action I mean that there was appointed a committee of the caucus composed altogether of members of our party to give study to the question.

That committee was appointed to make a report to the caucus. My recollection is the first report was almost immediately laid on the table.

At a succeeding Congress we again renewed the question in caucus. I recollect that I had the honor of being temporary chairman of the caucus and had the duty of appointing the budget committee of the caucus. I remember very distinctly of having appointed Mr. Swagar Sherley as chairman, and Speaker Clark and Mr. John Fitzgerald were made members of it, and others I do not now recall. They gave great study to the question. It may have been in a way a mistake to try to reach it by caucus action, but that was the plan then adopted, and the work done by the caucus committee was extremely valuable, for some of the gentlemen who were on the caucus committee were later on the regular committee that brought in the Budget law.

Mr. MADDEN. The gentleman from Tennessee, Mr. BYRNS, the gentleman from Texas, Mr. GARNER, and Claude Kitchin.

Mr. GARRETT of Tennessee. Yes; quite a number who had been on the old caucus committee. Another thing interesting as a matter of history which I recall is that the Budget proposition substantially as it stands now was passed during the

closing days of the Wilson administration, and it met with a veto of President Wilson.

By the way, President Wilson was extremely interested in the development of the Budget system. I think that it will be found that he referred to it in two or three of his messages, where he urged it. He vetoed it on the ground that it undertook to take from the President the power of removal of the Comptroller General. He rested it purely on the constitutional ground that it was an improper interference with the authority of the President himself. This was not personal to himself, for he was then about to retire. It was regarded by him as a trespass upon constitutional Executive power and duty.

Mr. MOORE of Virginia. And the Supreme Court has approved that principle.

Mr. GARRETT of Tennessee. Yes; the Supreme Court has since approved of his position in that respect. I think the gentleman from Virginia [Mr. MOORE] was one and I another of those who voted to pass it, the veto notwithstanding. I have heard that when President Harding—I do not know whether it is true or not—who signed the law, when he came to meet it under his responsibility as Executive, was extremely reluctant to approve it with that provision in it. As a legislator he had been committed to the proposition, however, and, at any rate, he did sign the bill, whatever his state of mind may have been.

It seems to me, Mr. Speaker, that there is not only a proper place, but a very great need for the Budget system; but always this must be borne in mind: It must be, and it must be so regarded, strictly a part of the executive branch of the Government, and never permitted to become a part of the legislative branch. [Applause.] There is no criticism of the President of the United States for conferring with the Director of the Budget either in advance of recommending legislation or subsequent to legislation having been passed, and while it is before him for consideration as to whether he will attach his signature to it or veto it. The President of the United States is at entire liberty in ethics to consult with whomsoever he may choose as to the matter of recommending legislation or as to the matter of vetoing or signing a bill that has been passed by the Congress. That is within the Executive sphere; but that, my friends, which is creating apprehension is the feeling that there is too much of a tendency to, in some way, place before the Budget questions of policy that ought to be determined by the legislative branch alone. [Applause.]

Mr. MADDEN. Mr. Speaker, will the gentleman permit an interruption there?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I just want to say that it has been the policy of the Committee on Appropriations since I have been chairman of it, under the Budget, never under any circumstances to allow the Budget to interfere with the rights of the members of the committee either in reducing or raising the recommendations of the Budget. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JOHNSON of Washington. Notwithstanding the fine statement of the chairman of the Committee on Appropriations, the chairmen of other committees, prompted by the interest of harmony and party organization, and so on, find themselves greatly embarrassed when they undertake to act in opposition to what might be the policy of the Committee on Appropriations. That is the trouble.

Mr. GARRETT of Tennessee. Let me say this in connection with the President taking the advice of the Director of the Budget. As I say, he is perfectly within his rights in doing that. I confess I can hardly understand why a bill such as one of those referred to by the gentleman from Massachusetts [Mr. LUCE], coming from the Department of State, to pay France or some French company for damages to a ship, should have been referred to the Director of the Budget, because the only statement of the Budget would be that it was or was not inconsistent with some sort of a financial program.

I can not understand why a thing of that sort should be referred to the Director of the Budget. If this Government owes France or some citizen of France something, the question of whether or not it is in accordance with somebody's financial program ought not to enter into the consideration of the case. It reminds me of a court decision said to have been rendered during the reconstruction days in Tennessee. We then had some judges who were not quite so learned in the law as some we had before and some we have had since. I think it is in the Supreme Court reports of my State that one circuit judge down there undertaking to construe the obligation of a married woman under some act of the legislature finally held that she was liable, provided the jury should find that the plaintiff could collect the judgment. [Laughter.] I do not understand

why things like that should be referred to the Budget, but it is within the right of the President to do it. Here is the thing I want to emphasize for the benefit of the Budget, and it is important to the Budget itself. I do not undertake to say that the Budget has of itself come into legislative proposals voluntarily or projected itself into legislative matters without being invited into them. If the latter is the situation—that is, if an invitation has been given—why then it is up to the chairmen of the committees, and to the committees themselves, to be extremely careful upon what subject they invite the opinion of the Director of the Budget or of the Budget Bureau. If they give away their own powers, they are not only doing their committee an injustice, but they are violating the rights of the House itself while agents thereof. [Applause.] It is important, extremely important, to have a Budget system. I think this discussion of this morning, independent of the speech now being made, ought to be of considerable benefit upon this question. It is very important to have the Budget. It is infinitely more important, I would say, if you have to come to a choice between the two, that the legislative branch should preserve its independence, but there is no reason why there should be a conflict between the two. It is entirely consistent with absolute legislative independence to have a Budget which will function to the benefit of the country. The only thing is that we need ourselves to be careful to respect the rights that are theirs, and to be careful to see that our own rights are not infringed upon by them in any way whatsoever. [Applause.]

#### FEDERAL RADIO COMMISSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2317, continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this rule has the unanimous support of the Committee on Rules. No time has been asked by the members of the committee. There is no desire on the part of the members of the committee to discuss the rule. I, therefore, move the previous question.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER of Texas. Looking at the RECORD, my recollection is that the gentleman from Ohio [Mr. BRAND] had unanimous consent to address the House for 30 minutes after these other speeches that had been agreed to and the disposition of business on the Speaker's table. Does the Chair rule that this resolution constitutes "business on the Speaker's table" that would take the gentleman from Ohio off his feet or vitiate his right to address the House for 30 minutes?

The SPEAKER pro tempore. The Chair has examined very carefully the colloquy and the statement made by the Speaker when the unanimous-consent request in question was made. The Chair has also talked with the Speaker himself in regard to it, and we are agreed that it is clear from the entire colloquy that it was the intention of the House that the speech of the gentleman from Ohio [Mr. BRAND] should immediately follow the completion of the radio bill. I do not know what the Speaker's action would be, but if the present occupant were in the chair at the time he would hold that at whatever time the radio bill is completed the gentleman from Ohio would be entitled to 30 minutes, because I believe that this was the intention of the House at the time the permission to speak was originally granted.

Mr. BRAND of Ohio. Mr. Speaker, is that the ruling of the Chair?

The SPEAKER pro tempore. The Chair can not say what the Speaker will rule when the question arises, but the Speaker did say to the present occupant of the chair that his interpretation of the rule, so far as the gentleman speaking to-day is



concerned, was that it should be only after the completion of the radio bill.

Mr. DICKINSON of Iowa. Was it not stated in the colloquy that the radio bill would probably be concluded in time? Is not that implied in the record, there, that the gentleman from Ohio is to speak on Saturday?

The SPEAKER pro tempore. Clearly so; but the radio bill is not yet finished.

Mr. MICHENER. Mr. Speaker, the Chair has stated the situation, and I move the previous question.

Mr. DICKINSON of Iowa. Mr. Speaker, I make a point of order, if you are going to do anything of that kind.

According to the record here, the gentleman from Ohio is entitled to the floor at this time under the Rules of the House, and we will have a decision here on that.

The SPEAKER pro tempore. There is a resolution pending, having been brought before the House by the Committee on Rules, and the gentleman from Michigan [Mr. MICHENER] has the floor. The Chair rules that he can not be taken off the floor for the purpose indicated by the gentleman from Iowa.

Mr. MICHENER. I do not want to force anything upon the House, but the matter has been investigated and the present occupant of the chair has fully discussed the matter with the Speaker, and the gentleman from Ohio [Mr. BRAND], as I understand it, understands the situation and has agreed to it.

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. I have not agreed in any way. I think the record is exactly the opposite.

Mr. DICKINSON of Iowa. Mr. Speaker, I make the point of order—

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. MICHENER] yield?

Mr. MICHENER. Yes.

Mr. DICKINSON of Iowa. I make the point of order that when the other time expired under the order to speak here it was the duty of the Chair, under the record as it now stands in the CONGRESSIONAL RECORD, to recognize the gentleman from Ohio, and not the gentleman from Michigan, when they were both on their feet at the same time and asking for recognition.

Mr. BEEDY. The Chair has ruled on that point.

The SPEAKER pro tempore. The Chair has already ruled.

Mr. DICKINSON of Iowa. No. The Chair has ruled that he has recognized the gentleman from Michigan.

The SPEAKER pro tempore. That also is correct.

Mr. DICKINSON of Iowa. But I make the point of order that it was the duty of the Chair under the record to recognize the gentleman from Ohio.

Mr. MICHENER. I would like to propound a question to the gentleman from Ohio. Was the gentleman from Ohio on his feet and demanding recognition to be heard at this time?

Mr. BRAND of Ohio. I was when you demanded recognition.

Mr. MICHENER. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKINSON of Iowa. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 46, noes 75.

The SPEAKER pro tempore. The previous question is not ordered. The gentleman from Michigan has the floor.

Mr. DICKINSON of Iowa rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. DICKINSON of Iowa. I object to the vote on the ground of no quorum being present.

Mr. RAMSEYER. Mr. Speaker, I do not know what the gentleman from Ohio [Mr. BRAND] has on his mind. [Laughter.] I am frank about that. But we are confronted now with a situation, and not a theory. The motion for the previous question has been voted down, and evidently some Members have more advance information on what is to be said by the gentleman from Ohio than I have. I think that the gentleman's right to address the House should be settled by unanimous consent.

Now, Mr. Speaker, I conferred with the present occupant of the chair as to the construction of the colloquy up at the desk. I was one of the gentlemen there in the group when it was talked over. There is some doubt as to the meaning of the colloquy. There can be no question about that. Although I did

not arrive at the same conclusion as the Speaker pro tempore, yet I can see that the Speaker or anybody else reading that over could arrive at a different conclusion than the one arrived at by me after a careful reading of the colloquy. I think we ought to settle the right of the gentleman from Ohio to the floor in some way by unanimous consent. [Applause.] I think we ought to yield to the gentleman from Ohio to prefer his unanimous-consent request.

The SPEAKER pro tempore. Does the gentleman from Michigan yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to speak for 30 minutes.

The SPEAKER pro tempore. At the present time? When?

Mr. BRAND of Ohio. Immediately.

Mr. MAPES. Mr. Speaker, reserving the right to object, I will ask the gentleman from Ohio about what subject?

Mr. BRAND of Ohio. The Ohio primary and Herbert Hoover.

Mr. MAPES. If the gentleman from Ohio is going to bring the Ohio campaign into the House, I ask to be coupled with the gentleman's request a request that the gentleman from Ohio [Mr. BURTON] be allowed 30 minutes immediately following the speech of the gentleman from Ohio [Mr. BRAND]. [Laughter and applause.]

The SPEAKER pro tempore. The Chair will put the two requests together.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what will be the position of the rule provided these requests are granted?

The SPEAKER pro tempore. It would simply be suspended. The House, by unanimous-consent order, will have suspended the consideration of the rule, and the gentleman from Michigan will have to call it up again.

Mr. MICHENER. The gentleman from Michigan will have the floor at the conclusion of the speeches made by the two gentlemen?

The SPEAKER pro tempore. Certainly. The Chair would so understand.

Mr. MICHENER. I withdraw the reservation.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to proceed now for 30 minutes, and the gentleman from Michigan asks unanimous consent that the gentleman from Ohio [Mr. BURTON] may have 30 minutes immediately following him. Is there objection?

Mr. BRITTEN. Mr. Speaker, I object. [Cries of "No!" "No!"] Mr. Speaker, reserving the right to object, my sole reason for objecting at this time is because the country is demanding this radio legislation. They are demanding it from San Francisco to New York. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. RAMSEYER. The gentleman is a man of discerning powers and he knows the state of mind of the House at this time. It is that these speeches have got to be disposed of.

Mr. BRITTEN. Mr. Speaker, it is evident that the House is in the mood to receive this debate, so I withdraw my objection. [Applause.]

The SPEAKER pro tempore. Is there objection?

Mr. NEWTON. Mr. Speaker, reserving the right to object, why can not this matter go over until Monday and dispose of this radio bill at once? [Cries of "No!" "No!"] That was the thought and the intention of the House when this proposition was agreed to without objection. We ought to proceed with this important piece of legislation, complete it, and then, if there is some dirty linen to be washed, wash it, if need be, but not until then.

The SPEAKER pro tempore. Is there objection?

Mr. NEWTON. I object.

The SPEAKER pro tempore. Objection is heard. The gentleman from Michigan has the floor.

Mr. BRAND of Ohio. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 30 minutes on Monday after the reading of the Journal. [Applause.]

Mr. MAPES. Mr. Speaker, reserving the right to object—

Mr. LEHLBACH. Mr. Speaker, I will have to object to that. On Monday we are going to consider and pass the radio bill. This afternoon it will do no harm, but on Monday this legislation is in order.

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman from Michigan yield further?

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. MICHENER. Yes.

Mr. GARNER of Texas. Would it be in order for the Chair to recognize some one to move that the gentleman from Ohio [Mr. BRAND] have 30 minutes and that the gentleman from Ohio [Mr. BURTON] have 30 minutes?

The SPEAKER pro tempore. It would not be in order.

Mr. GARNER of Texas. The recognition of the Chair might give us an opportunity to submit the motion if anyone desired to make it.

The SPEAKER pro tempore. The gentleman from Michigan has the floor.

Mr. GARNER of Texas. Would the Chair be willing to recognize some one to make that motion?

Mr. DENISON. Mr. Speaker, I ask for the regular order.

Mr. BRAND of Ohio. Will the gentleman from Michigan yield?

Mr. MICHENER. For a question.

Mr. BRAND of Ohio. I ask unanimous consent to proceed for 30 minutes whenever the radio bill is concluded, even though I have to go into the next day.

The SPEAKER pro tempore. If the present occupant of the chair should happen to be in the chair at that time, he would rule that under the consent granted it was the intention of the House that the gentleman from Ohio should have 30 minutes upon the completion of the radio bill. To the present occupant of the chair this is the clear intention of the order of the House.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BURTON] may have 30 minutes, or the same amount of time as is consumed by the gentleman from Ohio [Mr. BRAND], immediately following the speech of the gentleman from Ohio [Mr. BRAND], whenever it is made.

Mr. BRAND of Ohio. Mr. Speaker, I second that request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WHITE of Maine. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; and pending this motion, Mr. Speaker, I desire to make some arrangement with respect to a division of the time. Under the rule there is one hour and a half of debate upon each side, and it happens that the chairman of the committee is in favor of the bill and also the ranking minority member is in favor of the bill. I shall be very pleased to agree to yield one-half of the time allotted to this side to some Member who is opposed to the bill and who may control on this side the time in opposition to the bill.

Mr. LEHLBACH. If the gentleman will yield, I suggest that one-half of the time on this side, to be consumed by those opposed to the bill in its present form, be allotted to the gentleman from Michigan [Mr. CLANCY], a member of the committee.

Mr. CELLER. What will be the disposition of the time with reference to this side?

Mr. LEHLBACH. We will reach that in a moment.

Mr. WHITE of Maine. Has the gentleman on that side any suggestion to make as to control of the time?

Mr. DAVIS. I will say that, of course, if I am allowed to control the time on this side I shall give the opposition their half of the time.

Mr. LEHLBACH. Would it not be better, I suggest to the gentleman from Tennessee, that the same arrangement be made on the other side of the aisle that is made here, and have one-half of the time in the control of a Member in opposition to the bill. Of course, I do not question at all—

Mr. DAVIS. I want to state there was so much confusion I did not hear just what the gentleman stated about the time. I may say that suggestion will be perfectly satisfactory, and the ranking minority member opposed to the bill is the gentleman from New York [Mr. LINDSAY], and, of course, I will be very pleased for him to control the opposition time, and if the gentleman is not here—

Mr. CELLER. Apparently the gentleman from New York is not in the Chamber. Will somebody else be designated in his absence?

Mr. LEHLBACH. I suggest his colleague the gentleman from New York [Mr. CELLER] be designated for the time being, to turn the time over to the gentleman from New York [Mr. LINDSAY] when he appears.

Mr. DAVIS. That is satisfactory.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the time on the majority side be controlled by and equally divided between himself and the gentleman from Michigan [Mr. CLANCY], and that on the minority side one-half of the time be controlled by the gentleman from Tennessee [Mr. DAVIS] and the other one-half by the gentleman from New York [Mr. LINDSAY], and that in the absence of the gentleman from New York [Mr. LINDSAY] such time be controlled by the gentleman from New York [Mr. CELLER]. Is there objection to the request?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Maine [Mr. WHITE].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

On motion of Mr. WHITE of Maine, the first reading of the bill was dispensed with.

Mr. WHITE of Maine. Will the gentleman from Tennessee use some of his time at this point?

Mr. DAVIS. Yes. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN], a member of the committee.

Mr. McKEOWN. Mr. Chairman, ladies and gentlemen of the committee, the controversy arising in this bill is over the language contained in the amendment of section 4, which reads as follows:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to the population and area.

When the radio legislation first came before Congress it was undertaken in order to protect the rights of the several States to provide an equal distribution of wave lengths and power. This was the policy pursued by the Congress, and language was placed in the act that was thought at that time to be sufficient to safeguard all parts of the country and put them on the same footing, but this interpretation has not followed.

I want to say to the members of the committee that I have here communications from associations and individuals in the city of New York, where the greatest amount of power has been allocated, to show that before the Radio Commission was provided for this whole chaotic condition and criticism of the Commerce Department was brought about deliberately. For instance, I have clippings from newspapers showing they were saying that everything was in a chaotic condition at the time the control of power was in the Department of Commerce, and that they brought about that chaotic condition by the use of a fluke tube that was permitted to be shifted from one big station to the other, so they could not be located and caught.

This chaotic condition was brought to the attention of the people, of course, by the whistle and the noise and all those things that were carried on from these stations, and there came the cry for the creation of a commission.

I was one of the Members of Congress who was opposed to a commission. I have long since made up my mind that commissions ought not to be constituted, and if we have to have such work done bureaus should be established under some department head that is responsible to the administration. I am opposed to the commission form of administering the affairs of this Nation.

However this may be, I want to say that this combination, which consists of the Westinghouse Co., General Electric, the American Telegraph & Telephone Co., the Radio Corporation, and the American Broadcasting Co., has a monopoly of this situation with a capital investment of \$3,000,000,000.

Now, what has taken place? In the allocation of power or wattage the first zone has secured a very much larger proportion of power than any other zone.

Here is what has taken place in the country: So much power has been granted to the large stations, to the chain stations, that they are absolutely crowding the small, independent stations off the air. If you turn on your receiver when they are going full speed and spreading the whole dial, you can not get a par-



ticular small station. As a matter of fact, the use of the high power is absolutely unnecessary.

You can take the population in the first zone as an example. There they have 193,000 watts. In the third zone, a larger area with a greater population, they only have 45,000 watts allocation. When you go to the commission and ask for more power they say, "We haven't got it."

The truth about it is the big chain stations under the American Broadcasting Co. are freezing out the college stations, the farmer stations, that send out farm information and cause confusion on the air, so that you can not get anything except Silvertown cord tires, Palmolive soap, Maxwell House coffee, and a dozen other articles of merchandise. They say they are producing it in the interest of art. The commissioners say that in the distribution of power we do not need to have any big stations in the country. One says our big stations furnish magnificent programs. Well, I will say that every night it is the same program—Wrigley's chewing gum, with the same tunes and the same music all the time. They have wonderful artists, but that does not justify the Congress in turning over everything to these people.

Now, let me call your attention to other places. Take Maine, which is about off the map—

Mr. BEEDY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BEEDY. Is the gentleman advocating the enactment of this legislation to solve the difficulties he has described?

Mr. McKEOWN. Yes; and I want to show you why.

Mr. BEEDY. I am interested in what the gentleman is going to say about Maine.

Mr. McKEOWN. Well, Maine is in the upper country—here is New England, Connecticut, Massachusetts—I do not believe they have Maine on the list. [Laughter.]

Mr. BEEDY. Then I am opposed to the list. [Laughter.]

Mr. McKEOWN. You have so little power they do not put it in the list. Here is what takes place. We have contended that under the present law there was plenty of power if fairly allocated. There is no disposition on my part toward trying to tear down or destroy any good improvements or to impede it in any way. That is not the purpose of the committee. But we say we want a fair and equitable distribution of power and wave lengths, and that is all we ask for.

The commission has construed an equitable distribution to mean from the standpoint of the listener. If he can have a receiver in Arizona that can hear New York, that is enough for him, and they say that is a fair and equitable distribution.

Up in New York they complain to me and say they have written the Representatives from New York—I do not know whether it will have any effect—protesting against this situation. They say in New York City the thing is so thick with broadcasting stations that they can not hear anything but "Hello, everybody."

We are asking to pass this legislation so that the commission will not do as it has in the past, ignore all the rest of the country and let the few stations in New York and Chicago dominate the whole broadcasting country.

Mr. LAGUARDIA. What assurance have you that they will do it?

Mr. McKEOWN. Because this legislation calls for an equal allocation in the zones. We say that as between the people of each zone there will be an equitable allocation.

Mr. LAGUARDIA. That sounds reasonable.

Mr. HUDSON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HUDSON. The gentleman said he was asking the House to pass the legislation—suppose the House refuses to pass the legislation; what will happen?

Mr. McKEOWN. If you do not adopt this amendment and pass this bill to continue the commission?

Mr. HUDSON. If we pass no legislation, then the commission automatically goes out.

Mr. McKEOWN. No; they become the appellate board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. I yield the gentleman three minutes more, out of my time.

Mr. HUDSON. Will it not automatically throw the control back into the Department of Commerce?

Mr. McKEOWN. It would, with this board still in existence as an appellate board with power in the Department of Commerce to transfer everything to the commission.

Mr. HUDSON. It would revert to the Department of Commerce?

Mr. McKEOWN. And send it over to the commission as a reviewing board.

Mr. CELLER. Is the gentleman dissatisfied with the radio audition in his own State?

Mr. McKEOWN. My State is down there where we have spent some four or five hundred thousand dollars trying to have the voice of Oklahoma sent up here to this country, because we enjoy hearing the voice of New York, but we can not do it, because they have put two stations right up here in the northeast part of the country that drown us out.

Mr. CELLER. Did not the gentleman say in the hearings on page 226 that he could hear the broadcasting from Habana, Cuba; Montreal, Canada; from Seattle and from New York City? And does not that indicate a rather wide range of receptivity? Would not the gentleman be satisfied with that sort of a service?

Mr. McKEOWN. But I say to the gentleman that the broadcasting situation is a two-handed game. I am not satisfied to sit there and listen to your city without you listening to me. [Laughter and applause.]

Mr. CELLER. But suppose I say to the gentleman that New York does not want to hear Oklahoma?

Mr. McKEOWN. Then we may not want to hear New York, either.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. STRONG of Kansas. The report refers to five zones, but I do not find any place where this committee report tells of the States in the different zones. Will the gentleman put into the RECORD the States that are in the different zones?

Mr. McKEOWN. Yes.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. DAVIS. If the gentleman from Kansas and other gentlemen will look at the CONGRESSIONAL RECORD of March 5, 1928, page 4238, he will find the zones by States, population, and the number of stations and the total station power.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CLANCY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, as a member of the committee I am not opposed to extending the life of the Radio Commission for another year, but I am opposed to the amendment to the Senate bill which has been reported by our committee. It was shown on the floor of this House a year ago that there was great need for the creation of a Radio Commission. Fear was expressed that a gigantic monopoly was growing up within the industry and that it ought to be curbed. The necessity for a Radio Commission for other reasons was expressed, and one was, therefore, established. This commission recently came before our committee and asked for another year of existence. We inquired of them what they had accomplished. We found that they had done very little; that they had no settled policy, resulting from various causes, such as that most of the members of the commission had not been confirmed; that they even had to borrow offices in which to establish themselves; and that because of the failure of last year's final deficiency bill they had lacked necessary appropriations.

In fact, it did not seem that they had accomplished anything in particular. We asked them if they had read the debates in the House and in the Senate upon the basis of which the commission was created. Several replied that they had read but little of them. We suggested that before interpreting the law even the Supreme Court would, on occasion, read the debates which had been held in Congress to learn of its intent. We particularly questioned them as to their plans and what their policies might be for another year. We found that they had no very definite policy in mind. They wished to clear some more lanes and seemed to feel that they were to be experts in radio transmission and had lost sight of their judicial capacity in determining policies. Although there was already a provision in the law that there should be an equitable division of radio service they have thus far seemed to interpret this as being a service affecting only listeners-in and not also the rights relating to the equitable division of broadcasting stations over the country.

The right of a community to have a small broadcasting station so that it might send out local news by radio seemed to have been ignored. The commission was reminded that the United States had been divided into five regional zones as equal as possible, with a commissioner from each zone to see that fair play was exercised in all five. We found that they had taken away no licenses previously granted; that they had renewed each and every one for 60 days at a time and intended to keep on renewing them every 60 days during the coming year. That they had not grappled with questions of the kind which we desired to be settled, such as whether prior rights, or vested rights, might be claimed by concerns which had been

early in the broadcasting field. That is an issue which they seem to have expressly avoided. Their efforts have been exerted rather toward clearing lanes and regulating the amount of power to be used. The committee has decided that we should establish a policy. It was thought that under the act passed last year equitable allocation of broadcasting licenses and wave lengths would be considered, but little attempt has been made to carry out this provision of the act.

The proposed amendment granting exact equal allocation of the 89 available wave lengths and of equal station power would seem to be an exact physical division which would be impractical if not, indeed, impossible. We must agree that it is impossible, although the committee report discloses that it does not mean exactly that. The claim is made that it means "as nearly as possible," but the language is explicit. Therefore, to pass this amendment would be highly dangerous. In any event, this ought not to be done until there is a strong demand for service from those zones, and as yet the demand is not sufficient to warrant an equal allocation. We should not pass such a mandatory clause as appears in the amendment which has been placed on the Senate bill.

What has already been done by the Radio Commission and what, apparently, they propose to do in the coming year does not appeal favorably to me, although I shall vote for the extension of their time. I should, indeed, be very glad to have radio control and supervision transferred back to the Department of Commerce and the commission required to act merely in a judicial capacity, as contemplated by the radio act. From the slow progress that has been made to date I can see that the commission will be back next year saying, "this must be done so gradually that we need still another year's extension of life," and so on afterwards. But in view of the fact that they really have been laboring under serious handicap the past year I am willing to vote them one year more.

But I am certainly opposed to this mandatory provision ordering them to do something that is probably not possible and is assuredly not advisable. In the present development of this industry we ought not to go that far in an attempt to make conditions more equitable.

Mr. JONES. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. JONES. The gentleman does not agree with the statement that has been made to the effect that New York can not learn anything from any other sections of the country and, therefore, they do not want to listen to them?

Mr. GIFFORD. No. I could not in fairness have any objection to taking away power from some of the zones which have more than their share. I hope that the day will soon come when listeners-in who wish to hear something besides jazz and entertainments of that nature will be considered. This is a great art and should in considerable measure supplement the work of the newspapers. Every community which desires a broadcasting station of small power—50 watts, perhaps—that would be affected from 10 to 25 miles, but not over, should be entitled to its use for an hour or so daily to learn of the activities of their own locality. They should not be forced to listen merely to music or entertainment paid for by advertisers from far-distant sections. This is altogether too important a medium of communication to be used entirely to gratify entertainment seekers.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. CELLER. I take it, then, that the gentleman does not agree with the language of the report of the committee to the effect that the allotments must be made mathematically?

Mr. GIFFORD. I can not agree with it, because the language is exceedingly specific. It can not be done. Why put in here something which can not be accomplished? I should be willing to amend it by providing for equal allocation in as far as it is consistent with the present development of the industry. But, knowing what the commission has already done, I fear that there will not be an equitable distribution of stations and that legislation to accomplish this would at some time be needed.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. NEWTON. It is the gentleman's idea that, so far as this particular section is concerned, no change in the law is required?

Mr. GIFFORD. I think that the present law as to distribution and service could be clarified and that justice could be done to radio stations as well as radio listeners. The act may need amending, but it would seem foolish to prescribe an equal allocation of wave lengths and station power.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CELLER. I will ask the Chair to notify me when I have consumed 10 minutes.

The CHAIRMAN. The Chair will do so.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I believe that the life of the Radio Commission should be extended another year. Many difficult and important problems surround the art of the radio, and the Radio Commission should have proper and ample time to work out these difficulties and come to a proper solution of them. For that reason I am not opposed to the forepart of this bill, which seeks to extend the life of the commission. I believe, however, that the last section of the bill is the one that taints the bill, and should have no place whatsoever in it.

I believe, furthermore, that the present act, approved so recently, in 1927, is ample to take care of all the ills and all the troubles that some Members of this House are complaining about. The radio act of 1927 provided, briefly, that there shall be an equitable distribution of radio service in the various five zones. The country, as you know, is divided into five zones. Complaint has been heard on many sides that some of these zones have an insufficient amount of stations and station power. But I can see no reason why the Radio Commission should of necessity be blamed because some of the zones are deficient in that power, because you must reflect, gentlemen, that radio stations existed long before the Radio Commission sprang into being and the so-called disparity between sections of the country as to stations existed long before 1927.

We have had stations and they have been broadcasting on the air since 1920, seven years before we had the Radio Commission, and it is very strange that the complaint comes from those communities and States which did not establish or erect radio broadcasting stations in general prior to the enactment of the radio act. The predominating sections or zones, as far as stations and station power are concerned, are those which had men in them who were courageous enough and were willing enough to invest their funds in the establishment of these stations before the Radio Commission sprang into being. So we must not blame the Radio Commission if this difference or disparity has developed. It has been a natural development. From what I can gather from the reports of the Radio Commission and conversations with them they have sought with might and with main to allow a natural development of radio. They have sought to allow the art of radio to spread and grow with as little unnatural restraint as possible, consistent with carrying out an "equitable distribution of service" as the act of 1927 provided.

Now, the amendment which the committee has made to the Senate bill, to my mind, will put the radio art into a strait-jacket; it will cramp its development; it will retard its progress, and instead of doing anything worth while for radio it will make it more chaotic and will make confusion worse confounded. It will wreck radio.

This particular amendment provides that—

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Let us analyze this amendment.

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act (the act of 1927) of broadcasting licenses, of wave lengths, and of station power.

It changes the idea of "equitable service" as in the parent act, and says there shall be a numerical, mathematical, and equal division of broadcasting licenses, wave lengths, and station power among the five zones.

The amendment continues as follows:

And within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

No discretion is given anyone; no discretion is given to the Radio Commission as far as the zones are concerned; the language is mandatory, and I quite agree with the previous speaker that the Radio Commission is given an administrative duty to divide equally the licenses, the wave lengths, and the station power among the five zones. Then when it comes to the zones themselves, the Radio Commission—

shall make a fair and equitable allocation among the different States thereof in proportion to population and area.



Now, gentlemen, if I may give you an example, it is just like having a sort of large radio pie and endeavoring to divide that radio pie into five equal parts and to give a one-fifth equal part to each of the five radio zones, as it were. Suppose you sit down to a table and there are children and adults at that table. I am sure you would not be very likely to give an equal piece of pie to the child as you would to the adult. I do not mean to imply that the zone 3 is necessarily like unto a child, but I will say this: That as far as industry, commerce, radio population, and as far as enterprise is concerned with reference to broadcasting, and as far as willingness was concerned to enter this field—and facts are facts, gentlemen, and you can not change them—certain sections are not as fortunate as others. Some are smaller in all these items than others, through causes probably beyond their control. Because of these different conditions in the different zones it would be absurd to treat each zone in identical fashion. Because of these different conditions, and without any reflection upon any zone, you can not give each zone an equal slice of the radio pie.

I am willing to do everything in my power as a Member of this House to induce some of those States which were, shall I put it, "backward in coming forward" with the erection of stations and the establishment of this greater station power, to get what may be due them.

You might as well say that there are a certain number of telephones and telegraph facilities in this country and therefore you must divide the telephone and telegraph into five equal parts and divide them equally among five different zones, disregarding all of the peculiar conditions of industry, commerce, and so forth, that might obtain in the various five zones. Somebody has put it very facetiously in an editorial in the Washington Herald of this morning, a part of which I am going to read to you. The writer of this editorial suggests:

The enactment of a law taking over the licensing of automobile drivers by the Federal Government and the allocation of license numbers in accordance with State lines or in five zones. It is easy to see that the traffic problem would immediately disappear from the streets of our cities, because New York, for instance, would not be entitled to any more licenses than Alexandria, say, or Laurel. Consequently, New York City would have no more automobiles than in those towns and the streets would be clear.

Of course, this would eliminate quite a lot of business concerned in trucking and bus lines, etc., and would practically destroy the automobile business. But think of the lives that would be saved. And think of the number of people who will be maimed or crippled for life next year who might be saved from pain and suffering!

That is an absurd situation, but it is quite analogous to what this Davis amendment aims at. We might take all of the automobiles and all of the auto facilities and divide them into five equal parts and then say that those parts shall be distributed equally among the various zones.

An important test as to what station power and as to the number of stations that should exist in a zone is not the actual population of the zone, but the radio population. I have figured the receiving sets in zone 1, which is New York, New Jersey, Maryland, Delaware, District of Columbia, and New England, with the receiving sets of zone 3, the southern zone. Receiving sets are a good indication of radio population. Of the 554 total of stations—zone 1 has 95 and zone 3 has 88. Most of the complaining has come from zone 3, yet on the basis of radio population New York would seem to be entitled to its 95 stations, with its radio sets of 1,440,100, in comparison to the 88 stations of zone 3, with its radio sets of 1,037,950.

#### Receiving sets, January 1, 1927

ZONE 3		ZONE 1 (EXCLUSIVE OF PORTO RICO AND VIRGIN ISLANDS)	
Texas	277,550	New York	653,850
Oklahoma	100,750	New Jersey	193,700
Arkansas	52,000	Maryland	81,900
Louisiana	83,200	Delaware	13,650
Mississippi	49,400	District of Columbia	42,900
Alabama	68,250	Connecticut	79,950
Tennessee	97,500	Rhode Island	43,550
Georgia	91,750	Massachusetts	239,200
North Carolina	48,100	Vermont	21,550
South Carolina	48,100	New Hampshire	27,650
Florida	77,900	Maine	44,200
Total	1,037,950	Total	1,444,100

This comparison surely does not offer great cause for complaint.

Permit another index of the greater radio population of zone 1 over zone 3, although the actual population of zone 3 is greater than zone 1.

The annual volume of radio business done in zone 1 was \$26,209,000. The annual volume of radio business done in

zone 3 was \$6,665,000. By radio business is meant the sale of radio stocks, including receiving tubes, rectifying tubes, dry batteries, storage batteries, sets, and so forth. These figures were compiled by the electrical-equipment division, Bureau of Foreign and Domestic Commerce, at Washington, D. C., with the cooperation and assistance of the radio division, National Electrical Manufacturers Association. They took the stock in hands of radio dealers January 1, 1928, and compared those stocks in hands of radio dealers as of October 1, 1927.

Thus zone 3 sells less than 25 per cent of the radio stocks sold in zone 1. That gives little cause for great complaint, if zone 1 has more stations and more station power than zone 3. It needs more because it has a larger radio population.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. JOHNSON of Texas. The gentleman does not think it fair, does he, to have the allocation to zone 3 of only 4 stations having over 1,000 watts, when zone 1 has 10 and zone 4 has 30 high-powered stations, especially when the population in zone 3 is in excess of these other zones?

Mr. CELLER. I will answer that in this way. I quite agree that the gentleman has some cause for complaint, but I say he approaches the situation with a wrong remedy. There is a remedy for the situation—giving the Radio Commission due time within which zone 3 may be gradually given more stations and power.

Mr. JOHNSON of Texas. Where should we approach it?

Mr. CELLER. The gentleman ought to let the Radio Commission have time. You have not given them enough time; you have hamstrung the Radio Commission; you have given them no money, you have given them no personnel; two of the members of the commission died, unfortunately, and one of them resigned. Only one has been confirmed by the Senate. What is the psychology that animates men who have not been confirmed? Suppose your official life hung by a thread, you would not do your work wholeheartedly. Congress took away the structure of the Radio Commission from under their feet; they have nothing to stand upon. The failure of the deficiency appropriation left them no money, no staff. You give them nothing and yet you expect everything from them.

Now, give the Radio Commission an opportunity. Give it a square deal. Then you will get results, and I say, in addition, that very likely some 300 stations—I believe I can justly glean this from the hearings—some 300 stations might be removed from the air for cause, for legal cause. When they have been accused and haled on the carpet and charged with wave jumping and charged with violation of the regulations and of the statutes, then, I say, you can take away their stations and their station power legally and then assign those stations to zone 3 or one of the other zones that may be complaining. Then you will have some fair and equitable adjustment of the situation. But you can not at one fell swoop immediately demand the drastic remedy of cutting down to a ruinous extent station power of important stations rendering national service and reaching listeners all over the country.

The Davis amendment forces the Radio Commission to accept one of the following three choices or plans:

First. Equalization of zones on level of third zone's present total applications.

This would be decreasing the maximum zones to the level of the minimum zones.

Second. Equalization of zones on level of present highest-powered zone.

This would be increasing the minimum zones to the maximum zones.

Third. Equalization of zones by averaging power and stations.

We will discuss these three plans in a moment.

Following are the number of stations and total powers now in use in the five zones, the figures showing the local maximums which may be operated simultaneously:

	Power, watts	Stations
First zone (New England and East)	202,000	95
Second zone (Pennsylvania, Michigan, Ohio, Kentucky, etc.)	103,700	93
Third zone (Southern States)	45,600	88
Fourth zone (Middle West States)	139,000	166
Fifth zone (Pacific States)	60,600	112
Total	560,000	554

Let us examine these three choices of plans. Since the Davis amendment specifies that allocations shall be "equal between

zones," the conclusion is to be drawn that the power in use in any zone can not exceed that in use in the lowest zone. At the present time the third zone has 45,570 watts in use. Adding to this all power increases and new stations now applied for in this zone, assuming that these were to be immediately granted—although the Nation's wave lengths are already far overcrowded—the power in this third zone would even then not exceed 55,000 to 60,000 watts. The power available for each of the other zones would therefore be as in the first choice, to wit:

*Equalization of zones on level of third zone's present total applications*

	Power, watts	Stations
First zone.....	60,000	100
Second zone.....	60,000	100
Third zone.....	60,000	100
Fourth zone.....	60,000	100
Fifth zone.....	60,000	100

Equalization on the above basis would involve drastic cutting of powers in several zones and many States, and the elimination of many stations which are now rendering good service.

In answer to objections against the foregoing interpretation, it has been explained that "equalization" might, perhaps, better be brought about by increasing the deficient zones up to the level of the maximum zone. Although the present overcrowded condition of the other channels is recognized by every radio listener, and the unwisdom of adding any more stations or power is obvious, let us compute what this interpretation of "equalization upward" would mean in the already overtaxed national situation and bring ourselves to the second choice, to wit:

*Equalization of zones on level of present highest powered zone*

	Wattage		Stations	
	Increase	Future	Increase	Future
First zone.....	None.	202,000	71	166
Second zone.....	98,300	202,000	73	166
Third zone.....	156,400	202,000	78	166
Fourth zone.....	63,000	202,000	None.	166
Fifth zone.....	141,400	202,000	54	166
Total, United States.....	459,100		276	

Such a solution of "equalization," by keeping the present maximum in one zone and filling up the other zones to its level, would thus involve adding 276 stations and an increase of 460,000 watts, practically doubling the power in the present broadcasting band. If the wave lengths are now overloaded and heterodynes now exist, it can be imagined what the 276 additional stations, averaging 1,700 watts, would do. Incidentally, about \$20,000,000 would be required to build these 276 additional stations; and, of course, the supervising authority can not order them built, except as local citizens elect to invest the very large amounts involved in building each station.

The third choice—to wit, equalization of zones by averaging power and stations—proposes that the clause be interpreted in the sense of averaging present total power among all the zones, arriving at "equalization by both reductions and increases." Upon this basis, the present total simultaneous power of, roughly, 550,000 watts would be averaged among the five zones—110,000 watts to each and 110 stations to each—as follows:

	Power		Number of stations	
	Change necessary	Result	Change necessary	Result
First zone.....	Cut 92,000	110,000	Add 15	110
Second zone.....	Add 5,300	110,000	Add 17	110
Third zone.....	Add 64,400	110,000	Add 22	110
Fourth zone.....	Cut 28,000	110,000	Cut 56	110
Fifth zone.....	Add 49,400	110,000	Cut 2	110

Either of the preceding proposals for cutting the power and number of existing stations (under choices or Plans I and III) will react seriously on the present radio stations of States which are now rendering important service to vast populations in other States surrounding their own transmitters. The effect on such States will be as follows, the figures being proportional to

"both population and area" for the respective States, as the clause specifies:

*Effect on States of redistribution of station licenses and powers*

	Present facilities		Equalization to lowest level		Equalization to average of United States	
	Power	Stations	Power	Stations	Power	Stations
New Jersey.....	49,000	25	4,200	9	6,500	14
New York.....	119,000	67	14,300	27	22,000	40
Massachusetts.....	19,000	18	4,050	10	7,500	16
Pennsylvania.....	57,000	33	16,000	30	24,000	48
Ohio.....	23,000	25	10,500	24	16,000	36
Illinois.....	55,000	70	10,500	20	16,000	30
Iowa.....	26,000	18	6,000	12	9,000	18
Nebraska.....	8,200	14	4,300	8	6,400	12
Missouri.....	14,000	18	6,600	12	10,000	18
Minnesota.....	20,500	14	6,000	12	9,000	18
Colorado.....	8,270	12	1,400	8	6,400	12
New Mexico.....	5,050	3	2,900	5	4,400	8
Washington.....	10,700	19	2,900	5	4,400	8
California.....	26,000	50	12,000	23	18,000	34

The above data was supplied by Commissioner Caldwell.

From this list it is evident that whether the clause is interpreted to "equalize" zones on the basis of redistributing the present total power or by cutting down the zones with excessive power to the levels of the least-equipped zone, serious damage will be done to existing stations in States which have been radio leaders in serving the listeners of the Nation.

One of the members of the commission states that equalization may deprive listeners it is intended to aid.

He says that we must think in terms of programs quite as much as power. To illustrate: Five States in the fifth zone, with an area of over 550,000 square miles, now use a total of 3,000 watts power in their stations, many of which operate only one hour a day. Lack of talent and no demand for the time they have to sell, because of the limited audience reached, are the two reasons why more stations are unnecessary in that region, and will probably not be built for some time.

The people in these States are certainly entitled to good radio programs, but of necessity they must get them from stations broadcasting in other States. If the State having the powerful stations, program material, and audience, should be required to reduce its wattage to that of one of the five States above referred to, then the listeners in these five States would actually be deprived of radio programs because of the reduction of power at the station where the program is originated.

If the State having the power, audience, and program material be allowed to continue to use the amount of power now employed by its stations, then we would have what would appear to be an unfair distribution of power as between States, but one which would resemble in appearance the condition which exists now between the five different zones. Yet, as a matter of fact, the listeners in the five States referred to would be receiving satisfactory radio reception, getting local programs from their own stations, plus programs from the more congested areas, where more talent is available, for the supplying of entertainment and educational programs.

Said commissioner continues, and states that from the foregoing it is seen that to equalize the radio zones by increasing powers or stations, will deprive listeners of radio service through setting up a chaos of interference and heterodynes. To equalize by cutting zones to any low or intermediate level will reduce the radio service now enjoyed by millions of listeners. Such a change would make listening more difficult and unsatisfactory, and would require more expensive running sets on the part of many who now have the cheapest of home apparatus.

Mr. JONES. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. JONES. The gentleman concedes that conditions are bad in zone 3 and in some other sections; does the gentleman expect us to be satisfied with a mere continuation of the exact situation which now prevails?

Mr. CELLER. No.

Mr. JONES. How can we hope to get relief from merely an extension of the same activities that are now in existence?

Mr. CELLER. By a little patience and allowing the commission time. The gentleman loses sight of the fact that the commission has done a good piece of work up to this time, as I shall point out to you momentarily. They have tried to remedy the situation but you have not given them a chance.

Mr. JONES. They gave the whole pie to one boy.



Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. I yield to my colleague.

Mr. LAGUARDIA. Assuming, in order to distribute this power equally in the zones of the various sections of the country, this must be carried out to the loss and detriment of the city from which the gentleman and I come—

Mr. CELLER. There is no question about that.

Mr. LAGUARDIA. The gentleman would be willing to do that?

Mr. CELLER. I would be willing to take away considerable power from the city of New York or even New York State, but I am not going to stand idly by and see that done at one fell swoop and without notice and without any opportunity to accommodate ourselves to the situation.

Mr. LAGUARDIA. The gentleman does not contend that any individual or any company, notwithstanding the fact they may have operated for seven years, has any vested right in the air.

Mr. CELLER. I differ in that regard from my colleague. I think there is a vested right, and I shall point it out if I have the time, and if I have not the time I will put it in the RECORD.

Mr. JONES. If the gentleman is not satisfied with the amendment, why does not the gentleman offer something that will gradually work out a different plan and gradually change the situation?

Mr. CELLER. I shall offer that when the proper time comes.

Mr. JONES. I would like for the gentleman to explain on what theory these men have their vested rights at the expense of the whole people, which would tend to interfere with and deny the rights of the whole people?

Mr. CELLER. I will come to that in the regular course of my remarks here to-day. Your questions do not allow me to proceed orderly. I shall come to "vested rights."

Now, gentlemen, the commission has been doing some good work and we must not lose sight of that. I have examined carefully the hearings and we are told, for example, that one-third more of the States have had their channels cleared. This is quite a step in advance. Commissioner Pickett states that 39 States have now choice high-powered wave lengths.

They have gone a great way toward removing what is known as "local blanketing." Where you have a high-powered station like WEAJ in New York or WJZ in New Jersey, these stations have gone into the suburbs and no longer is there that drowning out and practical destruction of the efficacy of the small-powered station within the locality where these high-powered stations exist. WEAJ has gone something like 25 miles out of New York City on Long Island to a place called Belmore, and we are told that WJZ has gone to Boundbrook, which is some distance from the metropolitan area. That was an advance and other stations will follow. In addition to this one of the commissioners stated that 90 per cent of the heterodyning has been removed. Heterodyning, without going into the technical features thereof, roughly, is so-called "interference."

Now, by their efforts in changing locations and forcing stations to split wave lengths they have minimized the amount of interference. I want to stress the fact this afternoon that they should have their due.

Let me read some significant passages from the hearings—page 208—as follows:

Mr. BRIGGS. Do you believe because there has been a centering of certain broadcast activities in highly populous communities they should be allowed to remain there, without regard to the equitable distribution throughout the United States?

Commissioner PICKARD. I believe that actions speak louder than words in this case, and I am going to answer your question by saying that within the last 60 days I have removed five Chicago stations from a very desirable wave length, and that clear channel has been replaced by a Kentucky station. In another instance another wave length from Chicago has gone to a State which has been low in its quota—Indiana.

Mr. BRIGGS. In other words, the effort of the commission, so far as you are concerned, is being directed and will be directed to making an equitable distribution of the broadcast bands or assignments of wave lengths?

Commissioner PICKARD. Yes, sir.

And at page 231:

Commissioner PICKARD. To some extent the stations that should be heard clearly, I will admit that 90 per cent of them are being heterodyned, because that station or stations on adjoining channels are not on their assigned frequency. I will not agree, however, there has been no improvement. I think there has been 100 per cent improvement in listening conditions throughout the country.

I believe that is what they are trying to do, place the good wave lengths and increase the power in sections that need the

increase of power and better stations, and if given a chance, given some sort of encouragement, they will satisfy and accommodate all parties.

Mr. ROMJUE. Will the gentleman yield?

Mr. CELLER. I will yield to the gentleman.

Mr. ROMJUE. In the early part of the discussion the gentleman said something about the rights of stations that were started seven years before the commission was appointed. Will the gentleman give us his idea on the question of vested rights? We do not believe that they have any vested rights.

Mr. CELLER. I will come to that. Here is a situation in the so-called zone 3, taking in the Southern States.

Mr. MANLOVE. If the gentleman will yield, is it not possible to bring in a map here showing these zones, for the purpose of illustration while the discussion is going on?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. I yield myself 10 minutes more. I would like to bring in a map if I had one, but I have none.

Mr. DAVIS. Will the gentleman yield?

Mr. CELLER. I will.

Mr. DAVIS. As I understand the reduction is to follow the reduction of each zone to 45,000 now held in the third zone?

Mr. CELLER. Bring the power down to the lowest level? If you bring the maximum down to the minimum to my mind that is one of the choices or plans under the wording of your amendment.

Mr. DAVIS. Did not the gentleman say a while ago that in zones that nobody would want it cut down?

Mr. CELLER. I did not say that. I say nobody would want to increase the lowest to the highest, because that would be scientifically impossible, because the bucket is already overflowing—the radio bucket.

Mr. DAVIS. It is no more scientifically impossible than to do it the other way.

Mr. CELLER. Would you want to make a wholesale reduction of the stations?

Mr. DAVIS. No; we do not want a reduction; we want the neglected areas of this country, including 44 States, to be given their quota.

Mr. CELLER. I am willing to answer that situation. In conversation with somebody in authority I discovered that the South has not availed itself of the opportunity in that regard.

Mr. JONES. There are applications, but they could not get the licenses. I could give the gentleman the names of a lot of places that would like the privilege of broadcasting or an increase of power.

Mr. CELLER. I want to be fair, and I do not want to be unfair. Take for example the State of Tennessee, at Memphis they have a 580-kilocycle station with a power of 500 watts. They requested an increase to 5,000 watts, but the request did not come from the station; it was left to the commissioner to go down and ask them to increase the power. This was WMC.

With reference to another station at Atlanta, Ga., one of the commissioners went down to that station and said, "You are deficient in power; come forward with an application and we will grant it to you." And they did not even come forward with the application for increased power. The same thing resulted in an application made by a member of the commission to station WSMB in New Orleans. That was an application from the commission itself to that station to come forward and ask for an increase in power. But they did not come.

The Radio Commission, I am informed, has agreed tentatively to grant in zone 3 the majority of applications on file for construction permits for new stations. I herewith submit a list by States of these applications now on file. This list I received from two members of the commission:

#### CONSTRUCTION PERMITS

##### NUMBER OF NEW APPLICATIONS IN THE SOUTH, BY STATES

###### Arkansas

Charles W. McCollum, McGehee, 50 watts on a frequency of approximately 840 kilocycles.

First Church of the Nazarene, Little Rock, 1,000 watts on a frequency between 1,090 and 800 kilocycles.

Berean Bible Class, Little Rock, 15 watts on a frequency of 1,150 kilocycles.

###### Florida

Home Appliances Corporation, Fort Myers, 250 watts on a frequency of approximately 1,410 kilocycles.

Southern Radio Co., Tampa, 200 watts on a frequency of 1,363 kilocycles.

Robb & Stucky Co., Fort Myers, 100 watts on a frequency of approximately 1,090 kilocycles.

*Georgia*

R. E. Martin, Columbus, 50 watts and kilocycles optional.  
Kent's furniture and music store, Tifton, 15 or 20 watts on a frequency of 1,140 kilocycles.

*Louisiana*

A. H. Nigolia, New Orleans, 5 watts on a frequency of 740 kilocycles.  
C. C. Crawford, Haynesville, 50 watts on a frequency of 710 kilocycles.  
Feazel Motor Co., Ruston, 1 watt and kilocycles are optional.

*Mississippi*

Woodruff Furniture Co., Hattiesburg, 10 watts on a frequency of 1,200 kilocycles.  
J. Pat Scully, Greenville, 100 watts on a frequency of 1,090 kilocycles.

*North Carolina*

Wilmington Radio Association, Wilmington, 50 watts on a frequency of approximately 1,330 kilocycles.  
A. J. Kirby Music Co., Gastonia, 50 watts on a frequency of 1,363 kilocycles.

*Oklahoma*

The Full Gospel Tabernacle, Tulsa, 500 watts on a frequency of 1,360 kilocycles.  
L. A. Sims, Tulsa, 250 watts on a frequency of 1,200 kilocycles.  
The Radio Service Co. of Oklahoma City, Oklahoma City, 15 watts on a frequency of 700 kilocycles.  
Elk Radio & Electric Shop, Elk City, 250 watts on a frequency of 999 kilocycles.  
Lyman M. Edwards, Enid, 500 watts on a frequency of 960 kilocycles.

*South Carolina*

Paul S. Pearce, Columbia, 15 watts on a frequency of 1,270 kilocycles.

*Tennessee*

Tennessee Broadcasting Association, Nashville, 150 watts on a frequency of 1,200 kilocycles.  
Christian Church, Dyersburg, 50 watts on an optional frequency.  
Bristol Radio Co. (Inc.), Bristol, 50 watts on a frequency of 940 kilocycles.  
Claude V. Andrews, Union City, 10 watts on a frequency of approximately 770 kilocycles.  
Elbert Wood, Morrison, 15 watts on a frequency of 1,340 kilocycles.

*Texas*

Matthewson-Pelz Music Co., Marshall, 15 watts on a frequency of 1,130 kilocycles.  
John Milford Baldwin, Fort Stockton, 50 watts on a frequency of approximately 860 kilocycles.  
C. O. Lorenz, San Antonio, 100 watts on an optional frequency.  
Eagle Publishing Co., Goldthwaite, 50 watts on a frequency of 550 kilocycles.  
M. L. Cates, Georgetown, 100 watts on a frequency of 1,290 kilocycles.  
Highland Heights Christian Church, Wichita Falls, 750 watts on a frequency of — kilocycles.

*Virginia*

Clement W. Hanbury, jr., Norfolk, 500 watts on a frequency of 30.1 meters.  
Richmond Development Corporation, Roanoke, 1,000 watts on a frequency of 1,030 kilocycles.

The Radio Commission has also agreed tentatively to grant the applications of all stations requesting changes. These applications, on the following list received from two of the commissioners, are:

## CONSTRUCTION PERMITS

## OLD STATIONS REQUESTING CHANGE

*Louisiana*

WCBE: Joseph H. Uhalt, New Orleans. This station is operating on a frequency of 1,320 kilocycles with a power output of 5 watts, and is requesting a frequency of 1,320 kilocycles with a power output of 500 watts.

KWKW: Three thousand five hundred watts.

*Mississippi*

WCOC: Crystal Oil Co., Columbus. This station is operating on a frequency of 1,300 kilocycles with a power output of 250 watts, and requests the same frequency with a power output of 500 watts.

*North Carolina*

WPTF: Durham Life Insurance Co., Raleigh. This station is operating on a frequency of 550 kilocycles with a power output of 500 watts, and requests a frequency of 720 kilocycles with a power output of 1,000 watts.

*Oklahoma*

KFFJ: National Radio Manufacturing Co., Oklahoma City. This station is operating on a frequency of 1,100 kilocycles with a power output of 750 watts and 1,000 watts from 6 to 6 p. m., and requests the same frequency with a power output of 15,000 watts—really want 5,000.  
KVOO: Southwestern Sales Corporation, Tulsa. This station is operating on a frequency of 860 kilocycles with a power output of 1,000 watts, and requests the same frequency with a power output of 5,000 watts.

*Tennessee*

WMC: Memphis Commercial Appeal (Inc.), Memphis. This station is operating on a frequency of 580 kilocycles with a power output of 500 watts, and requests the same frequency with a power output of 5,000 watts.  
WLAC: Life & Casualty Insurance Co., Nashville. This station is broadcasting on a frequency of 1,330 kilocycles with a power output of 1,000 watts, and requests a frequency of 1,330 kilocycles with a power output of 5,000 watts.

*Texas*

WBAP: Carter Publications (Inc.), Fort Worth. This station is operating on a frequency of 600 kilocycles with a power output of 5,000 watts, and requests a frequency of 650 kilocycles with a power output of 5,000 watts.

KTAP: Robert B. Bridge, San Antonio. This station is operating on a frequency of 1,310 kilocycles with a power output of 20 watts, and requests a frequency of 1,250 kilocycles with a power output of 250 watts.

WDAG: J. Laurance Martin, Amarillo. This station is operating on a frequency of 1,140 kilocycles with a power output of 250 watts, and requests the same frequency with a power output of 1,000 watts.

KPRC: Houston Printing Co., Houston. This station is operating on a frequency of 1,020 kilocycles with a power output of 500 watts, and requests the same frequency with a power output of 1,000 watts.

KFJZ: Henry Clay Allison, Fort Worth, formerly owned by W. E. Branch, is operating on a frequency of 1,200 kilocycles with a power output of 50 watts, and requests only the change in name.

WRR: City of Dallas, Dallas. This station is operating on a frequency of 650 kilocycles with a power output of 500 watts, and requests a frequency of 850 kilocycles with a power output of 5,000 watts.

KGRC: Eugene J. Roth, San Antonio. This station is operating on a frequency of 1,360 kilocycles with a power output of 100 watts, and requests the same frequency with a power output of 500 watts.

KFYO: Kirksey Bros. Battery & Electric Co., Breckenridge. This station is operating on a frequency of 1,420 kilocycles with a power output of 15 watts, and requests the same frequency with a power output of 100 watts.

KGCI: Libertio Radio Sales, San Antonio. This station is operating on a frequency of 1,360 kilocycles with a power output of 100 watts, and requests the same frequency with a power output of 500 watts.

*Virginia*

WSEA: Virginia Beach Broadcasting Co. (Inc.), Norfolk. This station is operating on a frequency of 1,140 kilocycles with a power output of 500 watts, and requests a change of location from Norfolk to Portsmouth, Va.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. All these applications filed with the Radio Commission from zone 3 we find involve no great amount of power. Apparently there is no great demand for new stations and power in zone 3.

Mr. DAVIS and Mr. BULWINKLE rose.

Mr. CELLER. Zone 3 does not want many new stations. It seems as though the Members of Congress in that section want to avail themselves of stations and station power, and not the constituents whom they represent.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. DAVIS. I do not know where the gentleman gets those figures that he is reading, but the Committee on the Merchant Marine and Fisheries had the Radio Commission file with the committee—and it is printed in the hearings—a statement of the applications that have been made from the States and zones to the commission for new stations, and the power they ask for, and the existing stations that desired and requested an increase in power, and that shows that there are enough applications on file for additional power from the third zone to raise it up to its pro rata of the present national power. I have put that in the Record, and if the gentleman will read my speech he will see that that is true.

Mr. CELLER. I procured these lists from two members of the commission. These are not my lists. Mr. Chairman and gentlemen of the committee, we sit here and hardly realize the difficulties of the Radio Commission. They have been pilloried, and I think unjustifiably. For example, let me leave off a bit



from zone 3 and go to another zone. The State of Nevada has not yet made a single application for a radio station. I am reading now from the testimony of Commissioner Lafount, at page 344 of the hearings. He says there that there are only two or three small stations in Idaho, Wyoming, and Montana, and many of the Mountain States; that no applications are being made, and because of that it would be unfair to hold up all of the power and all of the distribution of wave lengths and simply await the arrival of applications from those States. That is the rub of the situation. Why should the enterprising States who have the station power and the stations await until the others awaken to their sense of responsibility and make these applications for increased power?

Mr. LAGUARDIA. The gentleman would not have the larger States usurp the rights of the smaller States?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. I yield myself five more minutes. I would not have the larger States discriminate against the smaller States, but within a reasonable period time will solve all of these difficulties and the Radio Commission will bring about a situation satisfactory to all parties.

Mr. HUDSON. If the gentleman contends that these are vested rights, then when would these States get a chance?

Mr. CELLER. I shall come to that question.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SANDLIN. Does the gentleman expect to put into the RECORD those applications from the South?

Mr. CELLER. Yes.

Mr. SANDLIN. That the commission told the gentleman had been granted?

Mr. CELLER. The commission told me had been tentatively granted and in the ordinary course of time would be granted.

Mr. SANDLIN. What will the gentleman put into the RECORD with regard to station WKH?

Mr. CELLER. I will include in the enumeration all of the stations that the commissioners said had been tentatively granted but for which no formal orders had yet been made.

Mr. SANDLIN. Since my conversation with the gentleman I have talked with Judge Sykes, who is now in the gallery, and he tells me that they have not been tentatively granted.

Mr. CELLER. I do not want to get into a matter of veracity as between Judge Sykes and myself. I shall put into the RECORD what I was told and the contents of papers handed me.

Mr. SANDLIN. I want the RECORD to be straight on it.

Mr. CELLER. I shall put into the RECORD exactly what I told the gentleman from Louisiana.

Mr. SANDLIN. I want to get into the RECORD that Judge Sykes told me no such agreement had been made.

Mr. CELLER. The gentleman has it already in the RECORD.

Mr. VINSON of Kentucky. Will the gentleman put into the RECORD the names of those stations the commission told point blank there was no use to make application for increased power?

Mr. CELLER. I have no knowledge of such stations.

Mr. VINSON of Kentucky. I think that is the situation.

Mr. CELLER. I have no knowledge of it.

Mr. VINSON of Kentucky. I think the gentleman has very little knowledge of conditions in the country.

Mr. CELLER. I answer that I have no knowledge of that specific situation.

Mr. STOBBS. There have been so many tables floating around as to the reduction in the different States, I ask the gentleman the source of that table that he made.

Mr. CELLER. The Radio Commission.

Mr. STOBBS. And that is the final authority?

Mr. CELLER. Yes. I shall put into the RECORD for the benefit of the gentleman under leave to extend a discussion of the subject of vested rights of radio stations that existed prior to the coming into being of the Radio Commission, and I ask, gentlemen, if they want to know more about it, to read that Monday.

Mr. JONES. I ask the gentleman to discuss whether or not he thinks there is such a thing as a vested right in a monopoly?

Mr. CELLER. I shall be very glad to discuss vested rights; but, of course, there is no vested right in monopoly.

Mr. KENT. And I suppose the gentleman is in favor of a very good broadcasting station in Houston, Tex., is he not?

#### VESTED RIGHTS

Mr. CELLER. If anyone has used the ether for a period of time, he has a vested right to continue that use subject to regulation by the United States Government.

A study of the term "regulation" raises the question: Does the power to regulate include the power to prohibit? It is my opinion that it does not.

However, assuming that my opinion is incorrect and that the power to regulate does include the power to prohibit, my opinion, then, is that when the power to prohibit is enforced, just compensation must be given.

Congress for the first time assumed control of radio communication under its power to regulate interstate commerce by the act of 1912 (37 Stat. L. 302).

Section 1 of this act required the obtaining of a Federal license before engaging in radio communication. The act of 1912 proved inadequate and unsatisfactory, as the following cases will show:

Under the law of 1912, the duty imposed upon the Secretary of Commerce in issuing licenses to operate radio stations was a purely ministerial one—the only discretion reposed in him was in selecting a wave length within the limitation prescribed in the act, which in his judgment would result in the least possible interference. (*Hoover v. Inter-city Radio Co.*, 286 Fed. 1003.)

In response to a letter from the Secretary of Commerce asking for a definition of his powers and duties under the act of 1912, the Attorney General of the United States, on July 8, 1926, replied that the act of 1912 did not confer authority upon the Secretary of Commerce to refuse applications for licenses, assign wave lengths, or limit power or time of operation (35 Opp. Atty. Gen. 126).

The new legislation to supply the defects of the 1912 law was approved on February 23, 1927, and is known as the radio act of 1927 (Public, 632, 69th Cong.).

As was said at the beginning, Congress assumed control of radio communication under its power to regulate interstate commerce.

Quoting from Opinions of Attorney General, volume 35, page 128, we have the following:

There is no doubt whatever that radio communication is a proper subject for Federal regulation under the commerce clause of the Constitution. (*Pensacola Telegraph Co. v. Western Union*, 98 U. S. 1, 9; 24 Opp. 100.)

And it may be noticed in passing that even purely intrastate transmission of radio waves may fall within the scope of Federal power when it disturbs the air in such a manner as to interfere with interstate communication. (*Minnesota rate cases*, 230 U. S. 352.)

A very recent case holding that radio broadcasting is interstate commerce is that of *Whitehurst v. Grimes*, reported in Twenty-first Federal (second series), 787.

Section 1 of the act of 1927 made operation of a station unlawful without the obtaining of a new license, and this even though the station was operating under license granted under the 1912 act. Under the 1912 act, licenses were indeterminate as to time and revocable for cause. The new act did not declare a cause in ending them. It merely made further operation under them unlawful.

Section 11 of the act of 1927 reads in part:

If upon examination of any application for a station or for the renewal or modification of a station license, the licensing authority shall determine the public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with such finding.

The commission thus grants or denies the application upon its determination as to whether or not public convenience, interest, or necessity will be served by the operation of the station.

The significance of these words when applied to the radio situation is rather vague. Not more so, however, I think, than when used in State statutes and applied to public utilities. They comprehend public welfare. (286 Ill. 582.)

There is one difference, however, between the radio act and State public utility laws: The radio act is directed in part against persons already engaged in commerce while the public utility laws of the States are mainly applied against persons preparing to enter commerce.

Taken by itself, requiring a license to engage in commerce is within the constitutional powers to regulate commerce. *Colorado v. United States* (271 U. S. 153).

Should the commission, however, refuse to issue a license to a station existing before the law, the question of vested rights of such owner arise.

It is the opinion of the writer that if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

This opinion is based upon a fair construction of the language of section 5 of the act of 1927, as deduced from a reading of

that section, together with a study of the history of this provision.

Section 5 provides that—

No station license shall be granted by the commission or by the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise.

The history of this provision shows that on July 3, 1926, Congress passed Joint Resolution 125, which became law on December 8, 1926. This resolution provided that no license or renewal should be granted—

unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

When the radio act of 1927 was enacted this resolution was specifically repealed by section 39 of the radio act, and the new language of section 5, quoted above, was substituted.

It will be noted that in the language of the joint resolution enforced prior to the radio act the applicant for a license had to sign a waiver of any right or claim to any right as against the United States, while in the new radio act now in force the waiver is as to any claim as against the regulatory power of the United States.

Under the language of the resolution it seems to the writer that the licensee would become a mere tenant at will of the Government, and that under the resolution the Government could at any time order him to desist; and if so, he would have no legal right to continue and would have no remedy other than his constitutional right to just compensation.

The language of the new radio act, however, modifies the provision of the resolution and merely says that the applicant for license must sign a waiver of right as against the regulatory powers of the United States.

I deem the language as modified by the act of 1927 to mean that the licensee is merely subject to "regulation" by the Government.

If a radio station has been established under the law of 1912, and its license has not been revoked "for cause" as provided for in that act, it would seem to the writer that he would have a vested right to continue to use the ether under the new 1927 act, subject only to the regulatory power of the United States.

I am of the opinion that Congress under section 5 can subject the station owners to any reasonable regulations deemed necessary for the public welfare, but that it can not arbitrarily abrogate all privileges.

The radio act of 1927 is intended to be a regulatory and not a prohibitory measure.

The title of the radio act reads:

An act for the regulation of radiocommunications, and for other purposes.

The constitutional authority vested in Congress under the commerce clause is to regulate interstate and foreign commerce—of which radio is a part—not to prohibit it.

The right of Congress to prohibit commerce absolutely as a phase of regulation has been before the Supreme Court in a number of cases. The court stated in several decisions that the power to regulate includes the power to prohibit entirely. In accordance with this principle, it upheld acts of Congress prohibiting the transportation of lottery tickets (the Lottery case, 188 U. S. 321) and the food and drugs act prohibiting the transportation of impure foods and drugs (Hippolite Egg Co. v. U. S., 220 U. S. 45).

It was this absolute power of prohibition which was relied upon to support the child labor law prohibiting the transportation in interstate commerce of certain classes of drugs manufactured by child labor.

But in its opinion declaring the child labor law unconstitutional (Hammer v. Dagenhart, 247 U. S. 251, 271) the court differentiated the cases above referred to. The contention was made that they established the doctrine that the power to regulate includes the authority to prohibit the movement of ordinary commodities. The court, however, said that the contrary was the fact, since these cases rested upon the character of the particular subjects dealt with; that in each of them the use of interstate transportation was necessary to the accomplishment of harmful results; and that proper regulation of interstate commerce could be brought about only by prohibiting the use of its facility to effect the evil intended. The court proceeded to say that neither was such a purpose disclosed by the act under consideration, nor was the character of the article transported such as to make prohibition necessary.

There was a very strong dissent, based mainly upon argument that the power to regulate is absolute, the power to prohibit necessarily included within it, and that it is for Congress alone to determine the propriety of its exercise.

This decision is not a denial of the complete power of Congress to regulate interstate commerce. It is a holding that in the exercise of that power Congress must confine itself to regulation, and may not, under the cloak of regulation, grasp powers not delegated.

The above quotation is quoted from pages 72 and 73 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927. Mr. Davis is Solicitor of the Department of Commerce.

Assuming, however, that the power to regulate does include the power to prohibit, the station owner can still stand upon his constitutional rights and maintain that the commission in revoking his license is taking private property without just compensation, in violation of the fifth amendment to the Federal Constitution.

If a license for an existing station is refused, the commission would not take the property of the owner, in the sense of an actual physical seizure. It would still remain in the possession of its owner, even though the value of the property would be practically destroyed—it might be thus contended that the constitutional provision against taking private property without due process has been avoided.

The only value of property lies in the use that may be made of it. It may be said generally that the forbidding of an individual to use his property is equivalent to a taking of it, and that deprivation of use violates the constitutional guaranty to the same extent as would an actual physical seizure or destruction of the property itself. The Supreme Court of the United States has expressed itself on the general subject as follows:

It would be a very curious and unsatisfactory result if in construing a provision of constitutional law, always understood to have been adopted for protection and security to the rights of individuals as against the Government, and which has received the commendation of jurists, statesmen, and commentators as placing the just principles of the common law on that subject beyond the power of ordinary legislation to change or control them, it shall be held that if the Government refrains from the absolute conversion of real property to the use of the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in effect, subject it to total destruction without making any compensation, because in the narrow sense of that word it is not taken for the public use. Such a construction would pervert the constitutional provision into a restriction upon the rights of the citizens, as these rights stood at the common law, instead of the Government, and make it an authority for invasion of private right under the pretext of the public good, which had no warrant in the laws or practices of our ancestors. (*Pumpelli v. Green Bay Co.*, 13 Wall. 166, 177. See also *Chicago Board of Trade v. Olsen*, 262 U. S. 1; *Village of Euclid v. Ambler Realty Co.*, 47 Sup. Ct. 115; *Cornell v. Moore*, 267 Fed. 456.)

The above quotation is quoted from page 68 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927.

The Supreme Court of the United States has declared the rule as to the necessity for compensation in the following language:

"If in the execution of any power, no matter what it is, the Government, Federal or State, finds it necessary to take private property for public use, it must obey the constitutional injunction to make or secure just compensation to the owner. (*Cherokee Nation v. Southern Kansas Ry.*, 135 U. S. 641, 659; *Sweet v. Rechel*, 159 U. S. 380, 399, 402; *Monongahela Navigation Co. v. United States*, 148 U. S. 312, 336; *United States v. Lynch*, 188 U. S. 445.) \* \* \* Upon the general subject there is no real conflict among the adjudged cases. Whatever conflict there is arises upon the question whether there has been or will be in the particular case, within the true meaning of the Constitution, a taking of private property for public use. If the injury complained of is only incidental to the legitimate exercise of governmental powers for the public good, then there is no taking of property for public use, and a right to compensation, on account of such injury, does not attach under the Constitution." (*Chicago, Burlington & Quincy Ry. Co. v. Drainage Commissioners*, 200 U. S. 561, 593.)

The American Bar Association made an interim report on radio legislation in December, 1926. It discussed the bills then pending in Congress with particular reference to the constitutionality of refusing licenses to existing stations without affording compensation. It urged the inclusion of provisions which would compensate the owners of stations so closed, the money necessary to be derived from a tax on those licensed. In support of that suggestion the committee said:

\* \* \* To close stations in which large sums of money have already been invested is obviously a drastic provision. We do not believe that the courts would uphold as constitutional legislation which permitted such closing, either directly or indirectly, by way of declining to issue new licenses, unless just compensation were paid \* \* \*. The committee believes its suggestion is sound in law for the following reasons:



"a. The 1912 statute permitted everyone to obtain a license. As we have stated before, the Secretary had no discretionary power and he could be mandated to compel the issuance of the license. The licenses were not for any stated term and could be revoked only for frauds. The companies with established business under such a situation had a right to believe that their investments could not be destroyed by the mere repeal of the 1912 law \* \* \*.

"c. The obligation of the Federal Government to pay just compensation for closing an existing radio station was recognized in the joint resolution of July 16, 1918, which permitted the President to take over radio stations during the time of war, but only upon payment of just compensation. It is to be noted that even when this power was repealed, on July 11, 1919, the compensation provisions were specifically continued.

"d. The committee sees no newer constitutional authority for depriving the citizens of property rights under the pending legislation than was included under the 1912 legislation."

The above quotations are taken from pages 66, 70, and 74 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927.

It is therefore fair to assume that the Radio Commission would not have the right to take away the power, to any great extent, of a station, if that taking away would destroy the general utility or purpose for which the station was erected, unless compensation were provided. You can not say that by destroying the use of the station you do not destroy the station. If you take away the use, you take away the property. This can not be done without compensation. I do not sympathize personally with these conclusions, but they are conclusions nevertheless, which are inescapable.

#### PROGRAMS

The charge has often been made that jazz so fills the air as to drown out better class of music and educational features, and that New York stations primarily give the country nothing but jazz. I deny this. An examination of the better stations in New York, for example, will show that the program is varied and appeals to all tastes, and that jazz does not predominate. I shall herewith insert the events on the air for to-day, Saturday, March 10, for stations WEAF, WJZ, and WOR. I have taken this information from to-day's New York Times:

#### WEAF

6.45 a. m.: Tower exercises.  
8: Federation devotions.  
8.15: Parnassus Trio.  
8.30: Cheerio; talk; music.  
10.45: Hoyle Trio.  
11: Elizabeth Hilyer, soprano.  
11.15: Household talk.  
11.30: S. Selkowitz, piano.  
11.45: Talk, Grace Smith.  
12 m.: Elizabeth Hilyer, songs.  
12.15 p. m.: Virginia Dudley, soprano.  
12.30: G. O'Connor, ukelele.  
12.45: Waldorf-Astoria Orchestra.  
1.45: Foreign Policy Association luncheon; Oil, its international complications. Speakers: Herbert Feist, Henry K. Norton.  
3.30: Parnassus Trio.  
4.30: Blind Association talk.  
5: Fisher Orchestra.  
6: Waldorf-Astoria music.  
7: South Sea Islanders.  
7.30: Statler's Pennsylvanians.  
8.15: Intercollegiate Glee Club contest.  
11: Park Central Orchestra.

#### WJZ

12.30 p. m.: Park Central music.  
1.30: Winegar's Orchestra.  
2.30: Weather reports.  
2.35: Venetian Gondollers.  
3.30: The Tennesseans.  
4.30: Tea Timers.  
5.15: Savoy tea music.  
6: Manger Orchestra.  
6.55: Summary of programs.  
7: Longines time; Norman Hamilton, poems.  
7.15: Astor Orchestra.  
8: RCA hour; New York Symphony Orchestra.  
9: Philco hour; Gypsy Love.  
10: Longines time; Keystone Duo, with ballads.  
10.30: Dorothy Howe and the Merry Three.  
11: Slumber music.

#### WOR

6.45 a. m.: Colgate hour.  
8: Sessions chimes; news; reports.  
2.30 p. m.: Play—Violin Maker of Cremona.  
3: Sessions chimes; Betty Goodman, soprano.  
3.15: Ben Gordon, tenor.  
3.30: Roseland tea music.  
6: Radio Students' Clinic.  
6.15: Shelton Ensemble.  
6.40: Something about everything.  
6.45: The Happy Girl.  
7: Shelton Ensemble.  
7.30: Levitow's dinner dance.  
8: Sessions chimes.  
8.01: Interview—John V. A. Weaver.  
8.15: Modern Meistersingers.  
8.45: H. Hedden, piano.  
9: Bamberger Little Symphony.  
10: Saturday's Children.  
10.45: Roseland Orchestra.  
11: News; weather.  
11.05: Roseland Orchestra.  
11.30: The Witching Hour.

Now, I insert to-morrow's (Sunday) radio programs of these three stations. These programs speak for themselves. There is not one item of jazz on the Sunday programs:

#### WEAF

1 p. m.: Chamber music.  
2: Interdenominational Church; speaker, Dr. William H. Pephart.  
3: Young People's Conference; How to Be Born—Dr. D. A. Poling.  
4: Men's Conference; Youth and Its Problems—Dr. S. Parkes Cadman.  
5.30: Acousticon hour; old-time musicale.  
6: National Symphony Orchestra.  
7: Francis Paperte, soprano.  
7.20: Capitol Theater musicale.  
9: Our Government—David Lawrence.  
9.15: Howard time.  
9.16: Atwater Kent hour; Richard Crooks, tenor; double male octet.  
10.15: Biblical drama, Judas Iscariot.

#### WJZ

9 a. m.: Children's hour.  
1 p. m.: Gold Strand hour.  
2: The Roxy Stroll.  
3: Jospe Woodwind Ensemble.  
3.30: Devorney Nadworney, contralto; Herbert Borodkin, viola.  
3.55: St. George's vespers; Harry Burleigh, spirituals.  
5.30: National religious service—Rev. Harry Emerson Fosdick.  
6.30: Cook's travelogue—Southern Italy; time; summary.  
7: Aeolian organ recital.  
7.30: Vocal duets.  
7.45: Lenox string quartet.  
8.15: Collier's hour; talk—Lieut. Commander Sloan Danenhower, Submarine Rescue and Salvage Devices; symphony orchestra.  
9.15: Paula Heminghaus, contralto.  
9.30: Vibrant melodies.  
9.45: Arlon male chorus; time.  
10.15: Don Amaizo, musical sketch.

#### WOR

3 p. m.: Judson symphonic hour.  
4: American singers.  
4.30: United Military Band.  
5: Garden talk—H. S. Orloff.  
7.45: Evening musicale.  
8.45: Randall Hargreaves, songs.  
9: Emerson hour.  
9.30: With the masters.  
10: Cathedral hour.

While Saturday's program contains several orchestras, they are of the higher type.

If the Davis amendment goes into effect programs would grow flat and uninteresting. Take away unduly station power from New York, Philadelphia, Chicago, and Pittsburgh and you prevent a national program. The center of musical art is in New York. There is located the Metropolitan Opera Company, the Philharmonic Orchestra, New York Symphony Orchestra, string quartettes of international renown, and so forth. New York thus readily provides the highest type of radio entertainment. The other evening I heard over the national broadcasting chain a condensed version of Verdi's opera, La Traviata, with Bori, Gigli, and De Luca, three of the famous Metropolitan Opera House singers. It was one of the most exquisite renditions I have ever listened to. It was heard all over the country. Destroy the high-powered stations in the large cities and

you make impossible the broadcasting of such an opera. It is difficult to understand how the country would be able to hear the President's message or the important speeches of the candidates in the coming presidential campaign without large-powered stations.

Complaint is made about indirect advertising and how merchants and producers foist their wares by indirect advertising on the radio public, but this can not be helped. It is one of the disadvantages inherent in the situation. Nearly all broadcasters lose money. Only by selling time to advertisers may they recoup some of their losses. On the other hand, some of the most beautiful programs have been given us under the auspices of national advertisers, to wit, the Edison hour over WRNY, the Atwater Kent hour, and the Victor Talking Machine hour, and many others.

The CHAIRMAN. The gentleman from New York has one minute remaining.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. WHITE of Maine. And I also yield to him five minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I hope gentlemen will give me their attention, because I see we are favored this afternoon with the presence of the members of the Radio Commission of the United States. They are up in the gallery, and I am very glad they are here to hear this discussion. I, for one, have nothing to say against any individual member of the commission. As a matter of fact, they have promised me in my section about what we wanted. Whether or not we get it is, of course, something to be determined in the future. [Laughter.] Some of the members are not confirmed and some are, so I do not desire, with the Radio Commission present, to make any fling at any one of them individually. I want to say, so far as the member of the commission who represents the South is concerned Judge Sykes—that I have the very highest respect for his ability and his integrity. But the trouble is, gentlemen, that Judge Sykes is the only man who has been confirmed; and what fight could he alone make against the great Empire State of New York when they are seeking so much and making so much noise? [Laughter.]

Talk about pie. That is a very comprehensive word.

Mr. DENISON. What kind of pie?

Mr. ABERNETHY. The gentleman from Maine [Mr. BEEDY] talked about pie. Now, let us see what Maine gets. I am not sure if he is in the Chamber at this time. If so, he might raise an issue between the North and the South. [Laughter.]

Mr. BEEDY. I said I thought that in the division of the pie I should favor the children, because as they are growing up they need more pie. [Laughter.]

Mr. ABERNETHY. You get 850 watts and New York gets 162,000 watts. How will you have an equitable division in a case like that?

Mr. BEEDY. New York makes so much noise that the receiver can not get in on a program.

Mr. ABERNETHY. I have a constituent who has never been in New York, and he once said he would be damned if he believed there was any such place. [Laughter.] That, of course, was before the day of radio.

Maine gets 850 watts; New Hampshire gets 650 watts; Massachusetts, a little more favored, gets 19,565, and that is less than Massachusetts is entitled to under the amendment proposed by the committee. Connecticut gets 2,100. Rhode Island gets 2,750. New Jersey, the home of our friend Mr. LEHLBACH, gets 17,280, but they do not seem to be asking for any more because they are under the protecting wing of the great Empire State of New York. Little Delaware, a very small State, gets 100 watts. Maryland gets 5,700. The District of Columbia gets 11,750, and poor Porto Rico gets 500; while New York, with 63 stations, gets 162,500 watts. That is the first zone.

I do not blame the gentleman from New York for wanting to keep all the pie. They not only want that pie, but from the way they are agitating throughout the country, they apparently want more pie. [Laughter.]

Mr. HOUSTON of Hawaii. How much does Hawaii get?

Mr. ABERNETHY. I do not think you get anything.

Mr. HOUSTON of Hawaii. Then I am not for that amendment. [Laughter.]

Mr. ABERNETHY. Mr. Chairman and gentlemen, there is nothing unfair in the Davis amendment. Mr. DAVIS is a man for whom Congress has great respect and admiration, and I commend the speech he made on March 5 on this great subject.

And, in passing, I want to pay a tribute to the chairman of this committee [Mr. WHITE], the gentleman from Maine. [Applause.]

I am a new member on the Committee on the Merchant Marine and Fisheries. Like the gentleman from Oklahoma [Mr. McKEOWN], I never was in favor of giving this control of the air to a commission; but, following the leadership of men like Mr. WHITE and Mr. DAVIS, and understanding that there was confusion in the air and that it needed some regulation, they put me to sleep. It would not have made any difference whether they did or not; they passed the bill. [Laughter.]

Now what have we? We have the chairman of the Committee on the Merchant Marine and Fisheries fighting for this amendment. Why? Because he is a fair man and wants to keep faith with this House. He wants to keep faith with the country at large. He is not in favor of two or three big stations controlling all the power and sending out radio at \$6,000 an hour for Lydia Pinkham's remedy and Pink Pills for Pale People. That is what you have now. Yes; and Wrigley's chewing gum, and Smith's cough drops, and Silver Cord tires, and occasionally David Lawrence gets on the air.

I was down in my home town the other day and my boy had bought a radio set, and I was trying to get some stations. I had heard of one that Mr. DAVIS had over in Tennessee, and I started at zero and went as far as the dial went, and every time I got on the dial I would hear about Lydia Pinkham's remedy and pink pills for pale people, and I never did get Judge DAVIS's station, and I do not really believe he has one at Nashville. [Laughter.]

Mr. CELLER. Does the gentleman think that the radio station can be kept going without this advertising?

Mr. ABERNETHY. I will say to the gentleman that the Governor of North Carolina asked the Members of the House from North Carolina to vote down the amendments offered by the gentleman from Oklahoma [Mr. McKEOWN] and the gentleman from Tennessee [Mr. DAVIS] on the assurance that North Carolina would get consideration. We have one little station in the city of Raleigh that has 500 watts, and we have been promised 500 more, with the suggestion that probably the time might be divided. I think that if Judge Sykes has the power given to him he is going to make a fight for us; but the trouble is he can not make it if you do not give him the power. Just write this Davis amendment in here and divide this power equally between the five zones.

Take the great western country. The fifth zone has only 61,785 watts, while one station alone in New York has 50,000 watts. That is the situation with reference to the whole western coast, and I am talking to you men from that western country. Now listen. Zone 4 has 164,870 watts while the State of New York alone has 162,500 watts. The southern zone, the third zone, has 47,000 watts, and second zone has 106,000 watts.

Now, gentlemen, nobody wants to cut down the power. Nobody wants to destroy these big stations; nobody wants to take away from the people their right to hear jazz, but we want this commission to understand that as far as the balance of the country is concerned that it has the direct mandate from Congress that when we write a radio law that there shall be an equal distribution throughout the country that they should meet that, and not come here and say they can not do it, and they should not fill the papers full of aspersions against Congress, as some of them have done, and I do not refer to Judge Sykes, either. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CLANCY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, this proposed legislation seems to me to be again an example of the conflict between theory and practice. For one I am for practice in preference to theory. Unless section 4 is in some way taken out of this bill—and that section, as we all know, calls for an equal allocation—I shall be opposed to the whole bill. Rather than see that section adopted I would prefer that we go back to the old method of having radio under the Department of Commerce.

In addition to that, it seems to me that the suggestion of the continuation of a failure is a poor policy. Whatever the excuses may be, it is a well-recognized fact that the Radio Commission as such has been a total failure. One need but read the report of the committee submitted with this bill to be convinced of that fact. It can not function, and has but one member legally authorized to act, but you are asked to continue in office for another year, in order that it may try to make good, an organization that we all know has not made good.

Besides that, I think it is a great mistake to have temporary control over a permanent job. Radio has come to stay in this



world, and yet here we propose to continue an organization for one year only in order to care for a permanent proposition that ought to be in the hands of a permanent bureau or department. Therefore I think if it were practical we ought to start at the beginning and do away with this so-called commission and put radio control into the hands of some definite and permanent organization of the Government.

Further than that, I am not one of those scared by the talk of monopoly or big business. The people of this country to-day do not care a continental how radio comes to them or who is providing it for them, so long as they get it.

As a listener-in and not as a scientific student of the subject I am convinced that the only way to get results is through the large stations. It is a favorite pastime of this House to talk about monopoly and big business, but big business, whether in the form of the corporations that have put large sums of money into the establishment of these stations or in the form of concerns that are buying the time of those stations and employing the highest-priced talent, is giving results to the people of the country, and that is what the people want.

We did suppose that under the control of the commission confusion on the ether would be done away with, but let anyone listen in to-night and see whether they have accomplished anything in the way of doing away with confusion.

Therefore I can see no object whatever in trying to bring about the equal distribution of wave lengths or anything else having to do with radio. These big companies are giving service to the people, and when I say "giving" I mean just what the word "giving" means—they are giving the service absolutely without charge. There has been no way yet discovered that I have heard of whereby the listener-in can be charged for that service, and until that time does come the great corporations and the large purchasers of time should have the privilege and the right to distribute free to the people of this country the best concerts and the best intelligence they can get, and that is the only way we can get them. I am therefore opposed to the equalization clause in this bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WHITE of Maine. Mr. Chairman, may I inquire of the gentleman from Michigan how many other speakers he has?

Mr. CLANCY. Mr. Chairman, the chairman's side has 70 minutes remaining.

Mr. WHITE of Maine. Oh, no.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LEHLBACH. I made an inquiry of the timekeeper and found that the gentleman from Maine [Mr. WHITE] has 40 minutes and the gentleman from Tennessee [Mr. DAVIS] 30 minutes. That leaves 70 minutes for the proponents of this proposition. Those opposed to this proposition have a total of 38 minutes remaining, so that the proponents have almost twice as much time remaining as those who are opposed to the proposition. Now, it seems to me to be fair and equitable that we should not be called upon to use any more time until the time is more nearly equal.

Mr. WHITE of Maine. The gentleman's statement is interesting and I take it to be true, but it is not responsive to the question I asked. I wonder if the gentleman would indicate how many speeches he has on his side yet to be made.

Mr. LEHLBACH. Will the gentleman again yield?

Mr. CLANCY. Yes.

The CHAIRMAN. The Chair would like to inquire whose time is being used.

Mr. LEHLBACH. No time is being used because this is on an inquiry directed to the Chair as to the time.

The CHAIRMAN. The statement of the assumption as to time is correct.

Mr. LEHLBACH. The proponents of the bill have 32 minutes more than those who are opposed to it. It is now 23 minutes after 4 o'clock. When the 32 minutes are used, it will be five minutes of 5 o'clock. So it is obvious that the opponents of the bill have no more speeches this afternoon.

Mr. WHITE of Maine. Mr. Chairman, it is true that I have at my control 40 minutes. It is also true, I believe, that the gentlemen opposed to the bill on this side have 32 minutes.

Mr. CLANCY. Thirty minutes.

Mr. WHITE of Maine. I wonder if we could arrange it so that if I utilized 10 minutes now the gentleman would utilize some more of his time?

Mr. LEHLBACH. Mr. Chairman, it is not a matter of how the time is divided on this side of the aisle, but how the time is divided between the opponents in the committee here and the proponents in the committee here. That is the only way to

look at it, and that is 70 minutes on one side and 38 minutes on the other.

Mr. WHITE of Maine. Is the gentleman willing to use some of his time at this time?

Mr. CLANCY. No.

Mr. WHITE of Maine. Does the gentleman from Tennessee desire to use some time now?

Mr. DAVIS. I can yield time now.

Mr. DENISON. If the gentleman will permit, if nobody wants to talk, why not go ahead and read the bill?

Mr. GARRETT of Tennessee. Is the gentleman agreeable to a suggestion?

Mr. WHITE of Maine. I would be very happy to have one.

Mr. GARRETT of Tennessee. It is now 4.25 and lacks 35 minutes of the usual time for rising, and this is Saturday—

Mr. WHITE of Maine. I accept the suggestion. I had it in mind myself to move that the committee rise, but I will withhold that motion for a few moments. I understand the gentleman from Tennessee wants to utilize some of his time now and I give notice that at the termination of the next speech I will move that the committee rise.

Mr. DAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman and gentlemen of the committee, I should not ask to go on this afternoon except for the possibility that I can not be here Monday and I should like to make some suggestions as to this legislation.

I think we ought to approach the consideration of this legislation with a realization of the fact we are dealing with one of the most important matters that can come before the Congress for its consideration at this session. The mere question of extending the life of the commission or of writing this amendment into law might not itself be so important, but we are dealing, gentlemen, with an art, the extent of which, the scope of which, the far-reaching effect of which, we can not realize now, and of which we have absolutely no comprehension.

When we pick up the daily newspapers and see that upon some wave bands pictures are radioed across the ocean; walk down our streets and see cars moved—as we have within the last few days—by the application of radio; when we go to the newspapers and see the statement that there are inventions that will permit the lighting of houses, the cooking of our food, and the use of power in various directions, we must realize, gentlemen, that we are dealing with something more than the mere matter of transmitting a jazz program over the radio for the entertainment of a temporary audience.

We are dealing with an art that the commissioner, the only commissioner who has been confirmed, Judge Sykes, says is so rapidly changing and so far-reaching that he can not, and we can not, tell what changes may be brought forth in the course of a year.

At the hearings Judge Sykes said:

I do not think that any of us can possibly say what another year will bring forth in radio. It is developing so very rapidly that I would hate to attempt to prophesy what the conditions would be in another year.

Realizing that, this Congress wrote into law in the dying or closing days of the last Congress provisions to the effect that there should be assignments and allocations that would be equitable. Section 9, among other things, said:

In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

This language is contained in the existing law, but what is the situation? We find that in the interpretation of this language two lines of thought have arisen in the commission. The one line of thought, as expressed by Commissioner Sykes, was in direct accord with the views that were expressed on this floor, in the committee, and in the Congress at the time the law was enacted. But there is another interpretation that has come into the commission, the interpretation for which Commissioner Caldwell, of New York, would appear to stand, and that interpretation is in favor of high-powered stations and is in favor of equitable service as read only in the light of service to the listener.

Judge Sykes, at the hearings, said:

Now, there is some difference of opinion as to the construction of that particular clause of the act. A great many people for whose opinions I have the highest regard and respect, eminent lawyers, have this idea, as I understand, of that clause of the law—that if a State

and a community in a State are getting good radio service from stations in other States, then that State and community are getting good radio service; and, therefore, that State or community is being served and, as a State or community in a State, is not entitled to a radio station. That is not my opinion of this clause of the law. My opinion of that clause is it means it was put there to give to the States their pro rata quota of radio stations and to communities in States, and that has been my insistence as a member of the Federal Radio Commission on the construction of that section of the law.

Commissioner Caldwell's views are illustrated in his answer to an inquiry by Judge DAVIS if it was his idea that whatever power would be employed should be equitably distributed or that it should be concentrated at a few places. Commissioner Caldwell said:

Certainly, from the standpoint of giving purely radio service and good radio service to listeners; that is my understanding of the purpose of the law and is the basis on which I have worked on the commission. I feel that both must be considered. There is a place for the relatively high-powered station and there is also a place for the local station rendering a local service.

Commissioner Caldwell's interpretation of the law is further evidenced by his answer.

I believe it will be in the public interest to have at least four or five high-powered stations on the chain, widely distributed geographically. In other words, there is a proper use for the high-powered chain station on the air, one around Chicago, one in the Southwest, and perhaps one in the South, because this commission has undertaken through these chains to bring to every home in America a clear program, and as long as we have merely local stations such clear programs are impossible.

According to the interpretation that if programs reach all listeners, equitable service is provided, if the listener in Tennessee, if the listener in Texas, if the listener in Georgia, if the listener in Missouri, if the listener in the West is able to get a jazz program, if he is able to get something put on by a high-powered station in New York he has obtained the equitable service to which he is entitled under this act. That is the necessary and logical deduction that follows from the interpretation which the commissioner has given.

That interpretation not only comes as an expression from him but it comes by the operations of the commission itself. The result is that this committee, in the consideration of this question, has determined that the commission shall recognize that in radio as in law, equality is equity, and we have written that into the law.

Gentlemen, bear in mind another thing that the interpretation complained of will result in building up in this most important art one of the most enormous monopolies that has existed in the history of this Republic. First, let me call your attention to the fact that there is to-day pending in the Federal courts of this country an action instituted on behalf of the Federal Trade Commission seeking to bring to bar the Radio Corporation of America, the General Electric, and the Westinghouse companies on a charge that they have pooled their patents in violation of the law against trusts and monopolies. The evidence shows that the National Broadcasting Co. is organized and owned by the Radio Corporation of America, the Westinghouse, and General Electric. According to the evidence, the high-powered broadcasting stations cause the greatest interference. They are more far-reaching than any other station. Commissioner Sykes said:

The greater the power, of course, the more interference you have from the carrier wave.

Commissioner Caldwell supported this view. What is the situation? We have KDKA, a Westinghouse station, at Pittsburgh, Pa., with 50,000 watts. WEA, of New York City, owned by National Broadcasting Co., with 50,000 watts; WGY, of Schenectady, N. Y., owned by the General Electric, with 50,000 watts; WJZ, of Boundbrook, N. J., owned by the National Broadcasting Co., with 30,000 watts; and WGN, an independent station at Chicago, with 50,000 watts. These are in a congested section, and yet in other sections of the country there is very low power. We contend that this is not equitable distribution. We contend that if this congested area will bear this and other wattage, surely other sections can be increased.

Mr. CELLER. Will the gentleman yield?

Mr. BLAND. I will.

Mr. CELLER. With reference to the national program in the presidential campaign and the high-powered stations—

Mr. BLAND. I can conceive that certain national programs might be exceedingly dangerous at times to any party. More than that, I can conceive that the high-powered station monopoly might pass into the hands of propagandists for propaganda purposes, and into the hands of special interests for the advertise-

ment of particular commodities. Favored interests thus afforded an exclusive opportunity to advertise their goods in all sections of the country could work a great injustice to the more local commerce in different sections of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WHITE of Maine. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, and had come to no resolution thereon.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that at the conclusion of the disposition of a matter which the gentleman from Illinois [Mr. DENISON] has, the gentleman from Florida [Mr. GREEN] be permitted to address the House for one minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### THE AGRICULTURAL SITUATION

Mr. WILLIAMS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the agricultural situation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIAMS of Missouri. Mr. Speaker and Members of the House, agriculture is the basic industry of the Nation, and the farmer was the pioneer in the field of material progress and development. In the beginning he tilled the soil and raised, garnered, and threshed or cribbed the grain; he milked the cows and made the butter and fed the chickens and gathered the eggs; he raised the hogs and did his own butchering; he built his own house, crib, and stable with the aid of his neighbors; he sharpened his own plows and shod his own horses; he mended, and often made, his own shoes; the wife carded the wool and spun the yarn and wove the cloth and made the garments for family use. The man on the farm and the good housewife did it all. They were the ones who were subjected to the hardships and dangers of pioneer life. The ones who cleared the forests and built the cabins. The ones who endured privations and hunger and disease and want. They blazed the trail; they were the pathfinders.

As settlements were formed and communities grew division of labor and diversity of employment came. There grew up the blacksmith, the carpenter established himself, the weaver set up his loom, the cobbler built his shop and the trader his store. Out of these and other primitive forms of endeavor have developed the highly complex and complicated industrial, commercial, and financial system of the present. In their place immense and highly technical and intricate industrial plants have been established. Great entangling webs of commerce, transportation, and communication have been extended. A massive, involved, and difficult system of credits and finance has been developed. Labor has become highly efficient and discriminating. The specialist has acquired a degree of skill and dexterity that is little short of miraculous. It is said that there are 185 distinct operations in the making of a shoe. While the farmer has advanced from his primitive stage and now enjoys many comforts and some of the luxuries of life, he has not been able to keep up with the procession. A little while ago he was the leader in the business, financial, social, and political affairs of the country, but now he has dropped behind. Notwithstanding the fact that he was the pioneer in the field, that his occupation was the original, basic, fundamental one from which all others emanated and grew, in spite of all that he has been outstripped in the race. The parent industry remains attached and tied to the soil. The dominant, basic industry, the one to which Washington and Jefferson retired in their declining years, has been overshadowed by the others. In the swirl of these intricacies and complexities the farmer has been lost, and his voice can not be heard above the babble of the markets and the clanging and the shrieking of the shops.

While there has been a great increase in the wealth of the country in the period from 1920 to 1925, it is estimated that the value of farm lands and products has fallen off \$30,000,000,000. In my own State of Missouri there are over 2,000,000 acres less in farm lands than there were in 1920, while the value of farm property has depreciated 36 per cent. Farm-mortgage indebtedness has increased, wages are higher, taxes are more, transportation rates have grown, and the purchasing power of the



farmer's dollar has fallen far below par. He is the only one in the scheme of things that pays the freight both ways and has nothing to say about the price which he receives for the products he sells or for the goods which he buys. If he takes a basket of eggs or a few pounds of butter or a half dozen chickens to a country or town store to sell, he inquires of the clerk in the store how much he is paying for the articles mentioned. The clerk consults the prices given in the daily paper—prices fixed by men and conditions in the centers of trade over which the farmer has no control and with which he has nothing to do—and the clerk then tells the farmer that he will receive a certain per cent below the market price for his goods, which price the farmer must take. Then if the farmer wants to purchase a pair of overalls, a garden rake, or a few pounds of sugar, the clerk again hands out the price which is fixed thousands of miles away without any thought or consideration for the farmer. If the farmer should chance to have a carload of hogs or hay or wheat to sell, he pays the freight on his products to their destination—a freight fixed by the railroad under the direction of the Interstate Commerce Commission—and unloads them upon a market fixed by commission merchants, boards of trades, or other agencies unknown to the farmer. He must accept the price fixed by them. He then wants to buy a binder or a mower. He goes to the dealer and there pays a price fixed by some one in some way unknown to the farmer, and then pays the freight on the machine when it is delivered at the railroad station.

In the last few years laws have been enacted with special reference to and in aid of other groups of our population and other industries and institutions. The railroad act of 1920 practically insures the railroads of the country a net income of 6 per cent on their investment. It provides a revolving fund out of which money may be taken to aid the weaker and, it may be, the poorly managed roads. Under this law during the last three years the railroads have been prosperous. They may fix the rates at such a price as to insure an adequate income to them, and the farm pays it. It is necessary to establish and maintain the railroads of this country on a stable and a secure basis, and to make our transportation system ready, secure, and efficient. No one would urge that it be crippled or handicapped. But what about the farmer?

The Federal reserve bank act, the greatest piece of financial legislation in all time, created the Federal Reserve Board, with large powers over the contraction and expansion of currency and credit and the establishment of interest rates. This board in a great measure controls the banking policy and the financial condition of the country. While the farmers have shared in the general benefits derived from this law, it was enacted primarily for the purpose of regulating and benefiting the banking interests of the country, and has been so used. I would not detract from the beneficent results flowing from its operation. But why not a law having the interest of the farmer in view?

In recent years labor as a group has secured beneficial legislation. Employment bureaus have been established, a Labor Board for the settlement of labor disputes has been created. Strict immigration laws have been enacted, laws which prevent the inflow of foreign labor to be brought into competition with American labor. Labor needed these laws. Everybody except the most case hardened is glad that we have them. Even with these laws unemployment is great and labor conditions are not good in many places. These laws may not have brought complete relief but they have been helpful and were enacted in the interest of and at the suggestion and solicitation of labor. Farmers are now asking relief. What shall we do?

The Government created the Shipping Board to establish, maintain, and operate a merchant fleet to carry on our commerce and transport our goods to the ports of the world. Under that act we have maintained and increased our commerce with the nations of the earth. Whatever is our final policy, whether the Government shall maintain and operate our merchant marine or whether it shall be owned and maintained by private enterprise, it will be done at great expense to the Government. If our commerce is to be maintained, if our goods are to be carried in American vessels and our flag kept flying on the sea, then Government aid must be had. Everyone is in favor of securing our trade relations and developing our merchant marine, even to the extent of special legislation along that line, but why not give some special attention to the farmers' needs?

Many of the industrial concerns, the great factories of the country, are enjoying the benefits of special legislation in the form of a high protective tariff. They are operating behind a high legislative wall of protection, which prevents them from coming into competition with the outside world and which enables them to charge exorbitant prices for their products and accumulate inordinate profits. It is generally conceded that

our present tariff law is a detriment to the farmer in two respects. In the first place it has hampered the foreign market of the American farmer by reducing its purchasing power. The tariff is so high that none of the foreign nations can sell their goods here. If they can not sell their goods, they can not buy the farmers' products. By excluding their goods from our market we have excluded our farm products from their market. In the second place the present high tariff has increased the cost of production of farm products. There are many who believe that a readjustment of our tariff schedule will bring relief to the farmer. Decrease the cost of living and of production and at the same time enlarge the foreign market so that it may absorb the farm surplus of this country and thereby raise the price. That the present tariff system, so far as the farmer is concerned, has broken down is generally admitted. That the tariff rates are effective as to the farmer will not be seriously contended. All those who believe in a protective tariff and are now asking for farm relief, admit that the tariff rates are not now effective as to farm products, and ask that legislation be enacted to make them effective.

The Republican platform of 1924 stated:

We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

Here is a recognition that there is not an even balance; that there is something wrong; that the agricultural industry of the country is not on an economic level with other enterprises. And again—

the Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Here is a very frank, honest, and plain statement that the farming interests were out of balance with other industries and that the enactment of legislation, the passage of law, was necessary and pledged in order to bring about an economic equality between agriculture and other industries. Our present tariff law was in effect then, and had been for two years, but it had not brought an even level or an economic equality to agriculture.

The American farmer raises a large surplus of all his basic products which he must export and sell in foreign countries on a world market. The placing of duties on goods which we export has no practical effect. Why should we import wheat from Canada, except it may be a comparatively small amount of certain varieties, and pay 42 cents per bushel tariff when wheat of the same kind and variety is selling on the Winnipeg and Minneapolis market at the same price? How can this country be flooded with Canadian wheat when both countries are exporting millions of bushels and selling at the same price in a world market?

Is there any danger of the Canadian farmer selling his wheat to the American farmer at 42 cents a bushel less than he can get at home? Or is there a chance of the American consumer paying the Canadian farmer 42 cents more per bushel for his wheat than he would pay the American farmer? What is true of wheat is true of all basic agricultural products. Oh, it is true that a small quantity of these various products are imported usually for some special use, but the amount is so small compared with the amount produced here and the amount exported as to not make a ripple on the economic sea. The fact is that the tariff rates on farm products are not effective and are of no benefit to him. The further fact is that the farmer derives no benefit from the placing of farm machinery on the free list. In the first place all the materials of which the implements are constructed are on the protected list and by reason of that, farm machinery has more than doubled in price in the last few years. Again practically no farm implements or machinery of the kind used by the American farmer are manufactured outside the United States and very little is imported and almost all that along the Canadian border. In 1926 there was 17 times as much farm machinery exported from the United States as there was imported into it and the amount imported was less than one-fifth of 1 per cent of the amount in use here.

According to the report of the Department of Commerce in the year 1926, there was not imported a single plow, cultivator, threshing machine, binder, mower, rake, planter, drill, or tractor, through the customs office of the great city of St. Louis, of almost a million people, and in the very center of the greatest agricultural section of our land.

Agricultural implements on the free list is a delusion and a snare.

It is as a tale, told by an idiot. Full of sound and fury, signifying nothing.

With the high tariff rates protecting the industries of the country and increasing the cost of living and the cost of production for the farmer, and at the same time limiting and curtailing his foreign market and thereby forcing the price of his products downward; with the tariff rates on farm products inoperative and the farm machinery free list a mere sop, it is time that an economic inequality be recognized between agriculture and other industries, and a remedy sought. One of two things seems evident. The tariff rates should be made operative and effective as to farm products or there should be an intelligent readjustment of our tariff rates so as to equalize more nearly the benefits which may accrue to both industry and agriculture.

The National Industrial Conference Board and the Chamber of Commerce of the United States of America appointed a business men's commission on agriculture to study conditions of agriculture and suggest measures for its improvement. This committee was composed of men representing the big industrial, banking, and transportation business of the country.

Men who were thoroughly saturated with the high-protective tariff policy as applied to our industries. The chairman of that commission was that distinguished Missourian, Charles Nagel, Secretary of Commerce in Mr. Taft's Cabinet, an apostle of a high-protective tariff. This commission, after considering the improvement of farm conditions through tariff readjustment and showing that a lowering of the tariff wall would reduce the cost of production for the farmer and give him an enlarged foreign market for his surplus, made this statement:

In view of these considerations, the commission believes that the time has come to give serious thought to the question of whether, under the prevailing conditions of American industry, agriculture, and international trade the benefits of the protective-tariff system are fairly enough distributed as between industry and agriculture to make for a stable balance in our national economy and protect the long-time interests of the Nation.

This from the high priests of protection.

I am one of those who believe in a readjustment of our tariff rates. Not that it should be done in the spirit of reckless abandon. But rather that the job be undertaken in a calm, intelligent, fair, and equitable manner, with the interests of the whole country in view and not a particular section or a special industry. Develop a policy that will distribute the load if economic burdens are to be borne. Establish a system that will permit all to share equally in the benefits and blessing which may accrue.

It seems at this time that no general revision or adjustment of the tariff rates can be undertaken. Then it would appear proper to undertake by appropriate legislation to set in operation the machinery to assist the farmer in taking care of his surplus products and in stabilizing his market. In view of the fact that other enterprises and other groups have received legislation in their interest it is not amiss to enact laws which will at least put agriculture on an equality with other industries.

If it requires the formation of a farm board and the establishment of an equalization fee, as contended by some, or the issuing of export debentures or certificates, as claimed by others, some plan should be undertaken. It is said that the plan will not work. Boards for the regulation and assistance of other industries have been a success. Let us try. It is claimed that it is a subsidy. This is denied. But even so, it is no more of a subsidy than that already granted to some other enterprises. It is contended that the plan will take large sums of money from the Treasury for its maintenance. It may and probably will require the expenditure of some of the Government's revenue. It would not be the first time that the Government has spent money in its various activities and in its efforts to help. It is better that it cost a great deal than to have the basic industry of the country seriously crippled or destroyed, for—

A bold peasantry, their country's pride,  
When once destroyed can never be supplied.

The farmer is not asking for a subsidy, but only for an equal opportunity and a fair chance. There is no more energetic, frugal, and thrifty class than the farmers, no more honest and patriotic, hospitable, and loyal people than they. They are deserving of more consideration and entitled to the highest place in the economic development of our country.

The farmers of this land must not become "hewers of wood and drawers of water." Their condition can no longer be ignored. Their rights must be recognized and their needs respected. Born and reared on a farm in southeast Missouri, I grew to manhood under the arduous labors and heavy tasks of farm life. Coming as I do from the farm, I know the needs and the longings, and can feel the pulse beat and catch the

vision of these people. I can see them in the early days of spring as they follow the plow in the furrowed fields and prepare the soil for the seed time; I can see them toiling from early morn till eventide under the burning heat of a July sun to garner their grain; I can see them in the frosty days of Autumn, pulling the corn from the stubborn stalk, and amidst the drifting snow and blinding sleet of winter, feeding and tending their stock. Amidst it all they have set their face toward the future, looking and longing and hoping for the dawn of a better and a brighter day. They have the greatest hopes and the noblest aspirations for those things that are highest and best and most beautiful in life. These hopes must not be crushed; these aspirations must not be destroyed.

#### AIR MAIL SERVICE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I addressed to the Postmaster General and his reply thereto, with some statistical tables relating to the transcontinental airplane service.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

On February 25 last I inquired of the Postmaster General how closely the scheduled Air Mail Service between the East and the Pacific coast was being maintained. I append hereto our correspondence, as well as the data furnished by the Postmaster General. From the latter it will be seen that the service is being operated remarkably close to schedule:

FEBRUARY 25, 1928.

The POSTMASTER GENERAL,  
Washington, D. C.

DEAR SIR: I frequently note in the New York papers the air-mail schedule to the Pacific coast. I suppose the records show how nearly the schedule is maintained. If any statistics are available for, say, the last three months, I should be glad to have them, as well as any other details regarding the service that might be of interest.

Very truly yours,

ALLEN T. TREADWAY.

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., March 5, 1928.

HON. ALLEN T. TREADWAY,  
House of Representatives.

MY DEAR MR. TREADWAY: I have your letter of February 25, in which you refer to the transcontinental air mail schedule and desire to be furnished with statistics covering the same.

I take pleasure in inclosing herewith a three months' record of the arrivals at each terminal of the transcontinental route. There are also inclosed several tables showing the amount of mail carried, miles flown, etc., on all routes in the country.

Very truly yours,

HARRY S. NEW, Postmaster General.

Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927

Left San Francisco—	Due New York—	Arrived New York—
Sept. 1, 8.45 a. m.	Sept. 2, 4.45 p. m.	Sept. 2, 4.00 p. m.
Sept. 2, 8.50 a. m.	Sept. 3, 4.45 p. m.	Sept. 3, 4.47 p. m.
Sept. 3, 8.45 a. m.	Sept. 4, 4.45 p. m.	Sept. 4, 4.21 p. m.
Sept. 4, 9.20 a. m.	Sept. 5, 4.45 p. m.	Sept. 5, 4.32 p. m.
Sept. 5, 9.07 a. m.	Sept. 6, 4.45 p. m.	Sept. 6, 7.10 p. m.
Sept. 6, 8.45 a. m.	Sept. 7, 4.45 p. m.	Sept. 7, 3.45 p. m.
Sept. 7, 8.57 a. m.	Sept. 8, 4.45 p. m.	Sept. 8, 5.39 p. m.
Sept. 8, 8.55 a. m.	Sept. 9, 4.45 p. m.	Sept. 9, 5.55 p. m.
Sept. 9, 9.10 a. m.	Sept. 10, 4.45 p. m.	Sept. 10, 3.44 p. m.
Sept. 10, 8.45 a. m.	Sept. 11, 4.45 p. m.	Sept. 11, 8.06 p. m.
Sept. 11, 9.10 a. m.	Sept. 12, 4.45 p. m.	Sept. 12, 3.50 p. m.
Sept. 12, 9.13 a. m.	Sept. 13, 4.45 p. m.	Sept. 13, 3.16 p. m.
Sept. 13, 8.45 a. m.	Sept. 14, 4.45 p. m.	Sept. 14, 3.40 p. m.
Sept. 14, 8.49 a. m.	Sept. 15, 4.45 p. m.	Sept. 15, 3.22 p. m.
Sept. 15, 8.45 a. m.	Sept. 16, 4.45 p. m.	Sept. 16, 7.10 p. m.
Sept. 16, 8.45 a. m.	Sept. 17, 4.45 p. m.	Sept. 17, 4.00 p. m.
Sept. 17, 8.45 a. m.	Sept. 18, 4.45 p. m.	Sept. 18, 4.50 p. m.
Sept. 18, 9.05 a. m.	Sept. 19, 4.45 p. m.	Sept. 19, 3.30 p. m.
Sept. 19, 8.45 a. m.	Sept. 20, 4.45 p. m.	Sept. 20, 3.47 p. m.
Sept. 20, 8.57 a. m.	Sept. 21, 4.45 p. m.	Sept. 21, 3.58 p. m.
Sept. 21, 8.45 a. m.	Sept. 22, 4.45 p. m.	Sept. 22, 3.56 p. m.
Sept. 22, 8.45 a. m.	Sept. 23, 4.45 p. m.	Sept. 23, 3.44 p. m.
Sept. 23, 8.55 a. m.	Sept. 24, 4.45 p. m.	Sept. 24, 4.15 p. m.
Sept. 24, 8.45 a. m.	Sept. 25, 4.45 p. m.	Sept. 25, 4.24 p. m.
Sept. 25, 9.10 a. m.	Sept. 26, 4.45 p. m.	Sept. 26, 10.51 a. m.
Sept. 26, 8.45 a. m.	Sept. 27, 4.45 p. m.	Sept. 28, 10.51 a. m.
Sept. 27, 8.45 a. m.	Sept. 28, 4.45 p. m.	Sept. 29, 10.59 a. m.
Sept. 28, 8.45 a. m.	Sept. 29, 4.45 p. m.	Sept. 30, 12.17 a. m.
Sept. 29, 8.45 a. m.	Sept. 30, 4.45 p. m.	Sept. 30, 4.49 p. m.
Sept. 30, 9.00 a. m.	Oct. 1, 4.45 p. m.	Oct. 2, 7.19 p. m.
Oct. 1, 8.45 a. m.	Oct. 2, 4.45 p. m.	Oct. 2, 8.30 p. m.
Oct. 2, 9.10 a. m.	Oct. 3, 4.45 p. m.	Oct. 3, 5.42 p. m.
Oct. 3, 8.45 a. m.	Oct. 4, 4.45 p. m.	Oct. 4, 3.12 p. m.



Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927—Continued

Left San Francisco—	Due New York—	Arrived New York—
Oct. 4, 8.45 a. m.	Oct. 5, 4.45 p. m.	Oct. 5, 4.23 p. m.
Oct. 5, 8.45 a. m.	Oct. 6, 4.45 p. m.	Oct. 7, 9.31 a. m.
Oct. 6, 8.45 a. m.	Oct. 7, 4.45 p. m.	Oct. 7, 4.02 p. m.
Oct. 7, 8.45 a. m.	Oct. 8, 4.45 p. m.	Oct. 8, 4.10 p. m.
Oct. 8, 8.45 a. m.	Oct. 9, 4.45 p. m.	Oct. 9, 4.08 p. m.
Oct. 9, 9.10 a. m.	Oct. 10, 4.45 p. m.	Oct. 10, 3.52 p. m.
Oct. 10, 8.45 a. m.	Oct. 11, 4.45 p. m.	Oct. 11, 4.18 p. m.
Oct. 11, 8.45 a. m.	Oct. 12, 4.45 p. m.	Oct. 13, 9.30 a. m.
Oct. 12, 8.53 a. m.	Oct. 13, 4.45 p. m.	Oct. 13, 3.21 p. m.
Oct. 13, 8.45 a. m.	Oct. 14, 4.45 p. m.	Oct. 14, 3.46 p. m.
Oct. 14, 8.45 a. m.	Oct. 15, 4.45 p. m.	Oct. 15, 4.00 p. m.
Oct. 15, 10.27 a. m.	Oct. 16, 4.45 p. m.	Oct. 16, 4.27 p. m.
Oct. 16, 7.17 a. m.	Oct. 17, 4.45 p. m.	Oct. 18, 9.30 a. m.
Oct. 17, 7 a. m.	Oct. 18, 4.45 p. m.	Oct. 19, 9.40 a. m.
Oct. 18, 7 a. m.	Oct. 19, 4.45 p. m.	Oct. 20, 4.55 a. m.
Oct. 19, 7 a. m.	Oct. 20, 4.45 p. m.	Oct. 20, 4.12 p. m.
Oct. 20, 7.15 a. m.	Oct. 21, 4.45 p. m.	Oct. 21, 3.14 p. m.
Oct. 21, 11.30 a. m.	Oct. 22, 4.45 p. m.	Oct. 22, 3.01 p. m.
Oct. 22, 8.32 a. m.	Oct. 23, 4.45 p. m.	Oct. 23, 3.08 p. m.
Oct. 23, 7 a. m.	Oct. 24, 4.45 p. m.	Oct. 24, 3.22 p. m.
Oct. 24, 7 a. m.	Oct. 25, 4.45 p. m.	Oct. 25, 5.40 p. m.
Oct. 25, 7 a. m.	Oct. 26, 4.45 p. m.	Oct. 26, 4.08 p. m.
Oct. 26, 6.38 p. m. (Salt Lake section). <sup>1</sup>	Oct. 27, 4.45 p. m.	Oct. 27, 4.10 p. m.
Oct. 27, 7 a. m.	Oct. 28, 4.45 p. m.	Oct. 28, 3.31 p. m.
Oct. 28, 7 a. m.	Oct. 29, 4.45 p. m.	Oct. 31, 2.17 a. m.
Oct. 29, 3.56 p. m. (Salt Lake section). <sup>1</sup>	Oct. 30, 4.45 p. m.	Oct. 31, 2.17 a. m.
Oct. 30, 3.20 p. m. (Salt Lake section). <sup>1</sup>	Oct. 31, 4.45 p. m.	Oct. 31, 3.26 p. m.
Oct. 31, 7 a. m.	Nov. 1, 4.45 p. m.	Nov. 1, 11.35 p. m.
Nov. 1, 7 a. m.	Nov. 2, 4.45 p. m.	Nov. 2, 4.06 p. m.
Nov. 2, 7 a. m.	Nov. 3, 4.45 p. m.	Nov. 4, 7.05 a. m.
Nov. 3, 7 a. m.	Nov. 4, 4.45 p. m.	Nov. 4, 4.15 p. m.
Nov. 4, 7 a. m.	Nov. 5, 4.45 p. m.	Nov. 5, 4.29 p. m.
Nov. 5, 7 a. m.	Nov. 6, 4.45 p. m.	Nov. 6, 3.30 p. m.
Nov. 6, 7 a. m.	Nov. 7, 4.45 p. m.	Nov. 7, 3.35 p. m.
Nov. 7, 7 a. m.	Nov. 8, 4.45 p. m.	Nov. 10, 4.55 a. m.
Nov. 8, 3.27 p. m. (Salt Lake section). <sup>1</sup>	Nov. 9, 4.45 p. m.	Nov. 10, 5.09 a. m.
Nov. 9, 3.05 p. m. (Salt Lake section). <sup>1</sup>	Nov. 10, 4.45 p. m.	Nov. 11, 5.12 a. m.
Nov. 10, 7 a. m.	Nov. 11, 4.45 p. m.	Nov. 11, 11.01 p. m.
Nov. 11, 7 a. m.	Nov. 12, 4.45 p. m.	Nov. 12, 3.27 p. m.
Nov. 12, 4.15 p. m. (Salt Lake section). <sup>1</sup>	Nov. 13, 4.45 p. m.	Nov. 13, 3.46 p. m.
Nov. 13, 7 a. m.	Nov. 14, 4.45 p. m.	Nov. 15, 9.20 a. m.
Nov. 14, 7 a. m.	Nov. 15, 4.45 p. m.	Nov. 15, 6.48 p. m.
Nov. 15, 7 a. m.	Nov. 16, 4.45 p. m.	Nov. 17, 2.10 p. m.
Nov. 16, 7 a. m.	Nov. 17, 4.45 p. m.	Nov. 17, 6.38 p. m.
Nov. 17, 10 a. m.	Nov. 18, 4.45 p. m.	Nov. 19, 3.02 p. m.
Nov. 18, 7 a. m.	Nov. 19, 4.45 p. m.	Nov. 20, 3.18 p. m.
Nov. 19, 11.16 a. m.	Nov. 20, 4.45 p. m.	Nov. 20, 3.31 p. m.
Nov. 20, 7.32 a. m.	Nov. 21, 4.45 p. m.	Nov. 22, 10.15 a. m.
Nov. 21, 7 a. m.	Nov. 22, 4.45 p. m.	Nov. 23, 7.00 p. m.
Nov. 22, 7 a. m.	Nov. 23, 4.45 p. m.	Nov. 23, 4.45 p. m.
Nov. 23, 7 a. m.	Nov. 24, 4.45 p. m.	Nov. 25, 9.40 a. m.
Nov. 24, 7 a. m.	Nov. 25, 4.45 p. m.	Nov. 25, 7.49 p. m.
Nov. 25, 7 a. m.	Nov. 26, 4.45 p. m.	Nov. 26, 3.36 p. m.
Nov. 26, 9.50 a. m.	Nov. 27, 4.45 p. m.	Nov. 28, 10.10 p. m.
Nov. 27, 7 a. m.	Nov. 28, 4.45 p. m.	Nov. 29, 10.35 a. m.
Nov. 28, 7.15 a. m.	Nov. 29, 4.45 p. m.	Dec. 1, 5.25 p. m.
Nov. 29, 7 a. m.	Nov. 30, 4.45 p. m.	Dec. 1, 5.25 p. m.
Nov. 30, 7 a. m.	Dec. 1, 4.45 p. m.	Dec. 1, 4.18 p. m.

Left New York—	Due San Francisco—	Arrived San Francisco—
Sept. 1, 1.05 p. m.	Sept. 2, 4.30 p. m.	Sept. 3, 7.50 a. m.
Sept. 2, 12.37 p. m.	Sept. 3, 4.30 p. m.	Sept. 4, 8.50 a. m.
Sept. 3, 12.51 p. m.	Sept. 4, 4.30 p. m.	Sept. 4, 4.08 p. m.
Sept. 4, 12.41 p. m.	Sept. 5, 4.30 p. m.	Sept. 5, 4.08 p. m.
Sept. 5, 12.15 p. m.	Sept. 6, 4.30 p. m.	Sept. 7, 9.32 a. m.
Sept. 6, 12.30 p. m.	Sept. 7, 4.30 p. m.	Sept. 8, 7.05 a. m.
Sept. 7, 12.35 p. m.	Sept. 8, 4.30 p. m.	Sept. 8, 6.02 p. m.
Sept. 8, 12.29 p. m.	Sept. 9, 4.30 p. m.	Sept. 9, 6.03 p. m.
Sept. 9, 12.25 p. m.	Sept. 10, 4.30 p. m.	Sept. 10, 5.40 p. m.
Sept. 10, 12.20 p. m.	Sept. 11, 4.30 p. m.	Sept. 11, 6.05 p. m.
Sept. 11, 12.35 p. m.	Sept. 12, 4.30 p. m.	Sept. 12, 4.10 p. m.
Sept. 12, 12.20 p. m.	Sept. 13, 4.30 p. m.	Sept. 13, 5.40 p. m.
Sept. 13, 12.23 p. m.	Sept. 14, 4.30 p. m.	Sept. 14, 5.20 p. m.
Sept. 14, 12.42 p. m.	Sept. 15, 4.30 p. m.	Sept. 15, 4.54 p. m.
Sept. 15, 12.20 p. m.	Sept. 16, 4.30 p. m.	Sept. 17, 7.03 a. m.
Sept. 16, 12.30 p. m.	Sept. 17, 4.30 p. m.	Sept. 17, 4 p. m.
Sept. 17, 12.35 p. m.	Sept. 18, 4.30 p. m.	Sept. 19, 7.15 a. m.
Sept. 18, 12.23 p. m.	Sept. 19, 4.30 p. m.	Sept. 19, 6.25 p. m.
Sept. 19, 12.19 p. m.	Sept. 20, 4.30 p. m.	Sept. 20, 5.23 p. m.
Sept. 20, 12.23 p. m.	Sept. 21, 4.30 p. m.	Sept. 21, 4.42 p. m.
Sept. 21, 12.31 p. m.	Sept. 22, 4.30 p. m.	Sept. 22, 4.43 p. m.
Sept. 22, 12.25 p. m.	Sept. 23, 4.30 p. m.	Sept. 23, 5.05 p. m.
Sept. 23, 12.28 p. m.	Sept. 24, 4.30 p. m.	Sept. 24, 5.15 p. m.
Sept. 24, 12.30 p. m.	Sept. 25, 4.30 p. m.	Sept. 26, 11.08 a. m.
Sept. 25, 12.20 p. m.	Sept. 26, 4.30 p. m.	Sept. 27, 11.50 a. m.
Sept. 26, 1.10 p. m.	Sept. 27, 4.30 p. m.	Sept. 28, 12.15 p. m.
Sept. 27, 12.30 p. m.	Sept. 28, 4.30 p. m.	Sept. 29, 1.02 p. m.
Sept. 28, 1.07 p. m.	Sept. 29, 4.30 p. m.	Sept. 30, 11.55 a. m.
Sept. 29, 12.29 p. m.	Sept. 30, 4.30 p. m.	Oct. 1, 2.55 p. m.
Sept. 30, 12.55 p. m.	Oct. 1, 4.30 p. m.	Oct. 2, 11.50 a. m.
Oct. 1, 12.30 p. m.	Oct. 2, 4.30 p. m.	Oct. 3, 10.45 a. m.
Oct. 2, 12.30 p. m.	Oct. 3, 4.30 p. m.	Oct. 4, 7.25 a. m.
Oct. 3, 12.32 p. m.	Oct. 4, 4.30 p. m.	Oct. 4, 5.26 p. m.
Oct. 4, 12.27 p. m.	Oct. 5, 4.30 p. m.	Oct. 5, 4.55 p. m.
Oct. 5, 12.30 p. m.	Oct. 6, 4.30 p. m.	Oct. 7, 10.10 a. m.

<sup>1</sup> Cleveland, Chicago, or Salt Lake sections dispatched because of impossible flying weather between the termini and such point.

Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927—Continued

Left New York—	Due San Francisco—	Arrived San Francisco—
Oct. 6, 2.15 p. m.	Oct. 7, 4.50 p. m.	Oct. 8, 10.46 a. m.
Oct. 7, 12.38 p. m.	Oct. 8, 4.30 p. m.	Oct. 8, 4 p. m.
Oct. 8, 12.40 p. m.	Oct. 9, 4.30 p. m.	Oct. 9, 5.45 p. m.
Oct. 9, 12.22 p. m.	Oct. 10, 4.30 p. m.	Oct. 10, 5.28 p. m.
Oct. 10, 12.30 p. m.	Oct. 11, 4.30 p. m.	Oct. 11, 4.40 p. m.
Oct. 11, 12.35 p. m.	Oct. 12, 4.30 p. m.	Oct. 13, 9.54 a. m.
Oct. 12, 3.35 p. m. (Cleveland section). <sup>1</sup>	Oct. 13, 4.30 p. m.	Oct. 13, 5.35 p. m.
Oct. 13, 12.27 p. m.	Oct. 14, 4.30 p. m.	Oct. 14, 5.23 p. m.
Oct. 14, 12.21 p. m.	Oct. 15, 4.30 p. m.	Oct. 15, 4.18 p. m.
Oct. 15, 12.20 p. m.	Oct. 16, 4.30 p. m.	Oct. 16, 5.05 p. m.
Oct. 16, 12.21 p. m.	Oct. 17, 4.30 p. m.	Oct. 17, 4.20 p. m.
Oct. 17, 3.44 p. m. (Cleveland section). <sup>1</sup>	Oct. 18, 4.30 p. m.	Oct. 18, 3.50 p. m.
Oct. 18, 4.25 p. m. (Cleveland section). <sup>1</sup>	Oct. 19, 4.30 p. m.	Oct. 19, 4.15 p. m.
Oct. 19, 12.55 p. m.	Oct. 20, 4.30 p. m.	Oct. 20, 5.45 p. m.
Oct. 20, 12.45 p. m.	Oct. 21, 4.30 p. m.	Oct. 21, 4.40 p. m.
Oct. 21, 12.30 p. m.	Oct. 22, 4.30 p. m.	Oct. 22, 5.50 p. m.
Oct. 22, 12.24 p. m.	Oct. 23, 4.30 p. m.	Oct. 23, 5.54 p. m.
Oct. 23, 12.23 p. m.	Oct. 24, 4.30 p. m.	Oct. 24, 5.32 p. m.
Oct. 24, 12.28 p. m.	Oct. 25, 4.30 p. m.	Oct. 25, 5.40 p. m.
Oct. 25, 12.23 p. m.	Oct. 26, 4.30 p. m.	Oct. 27, 8.30 a. m.
Oct. 26, 12.30 p. m.	Oct. 27, 4.30 p. m.	Oct. 27, 5.43 p. m.
Oct. 27, 12.29 p. m.	Oct. 28, 4.30 p. m.	Oct. 28, 5 p. m.
Oct. 28, 11.31 p. m. (Chicago section). <sup>1</sup>	Oct. 29, 4.30 p. m.	Oct. 31, 9.50 a. m.
Oct. 29, 8.05 p. m. (Chicago section). <sup>1</sup>	Oct. 30, 4.30 p. m.	Oct. 31, 8.30 a. m.
Oct. 30, 12.27 p. m.	Oct. 31, 4.30 p. m.	Nov. 1, 12.35 p. m.
Oct. 31, 12.25 p. m.	Nov. 1, 4.30 p. m.	Nov. 2, 10.55 a. m.
Nov. 1, 12.27 p. m.	Nov. 2, 4.30 p. m.	Nov. 3, 8.05 a. m.
Nov. 2, 12.28 p. m.	Nov. 3, 4.30 p. m.	Nov. 3, 8.51 p. m.
Nov. 3, 4.10 p. m. (Cleveland section). <sup>1</sup>	Nov. 4, 4.30 p. m.	Nov. 5, 10.22 a. m.
Nov. 4, 12.25 p. m.	Nov. 5, 4.30 p. m.	Nov. 6, 12.58 p. m.
Nov. 5, 12.50 p. m.	Nov. 6, 4.30 p. m.	Nov. 7, 8.30 a. m.
Nov. 6, 12.15 p. m.	Nov. 7, 4.30 p. m.	Nov. 8, 8.30 a. m.
Nov. 7, 12.50 p. m.	Nov. 8, 4.30 p. m.	Nov. 10, 8.30 a. m.
Nov. 8, 12.30 p. m.	Nov. 9, 4.30 p. m.	Nov. 10, 12.51 p. m.
Nov. 9, 3.44 p. m. (Cleveland section). <sup>1</sup>	Nov. 10, 4.30 p. m.	Nov. 11, 12.27 p. m.
Nov. 10, 10.01 p. m. (Chicago section). <sup>1</sup>	Nov. 11, 4.30 p. m.	Nov. 13, 8.30 a. m.
Nov. 11, 12.26 p. m.	Nov. 12, 4.30 p. m.	Nov. 14, 8.30 a. m.
Nov. 12, 12.24 p. m.	Nov. 13, 4.30 p. m.	Nov. 14, 8.30 a. m.
Nov. 13, 12.22 p. m.	Nov. 14, 4.30 p. m.	Nov. 15, 8.30 a. m.
Nov. 14, 12.28 p. m.	Nov. 15, 4.30 p. m.	Nov. 16, 12.17 p. m.
Nov. 16, 12.50 a. m. (Chicago section). <sup>1</sup>	Nov. 16, 4.30 p. m.	Nov. 17, 1.45 p. m.
Nov. 16, 8.40 a. m. (Chicago section). <sup>1</sup>	Nov. 17, 4.30 p. m.	Nov. 17, 5.20 p. m.
Nov. 17, 10 p. m. (Chicago section). <sup>1</sup>	Nov. 18, 4.30 p. m.	Nov. 19, 2.30 p. m.
Nov. 18, 12.25 p. m.	Nov. 19, 4.30 p. m.	Nov. 21, 10.28 a. m.
Nov. 19, 12.29 p. m.	Nov. 20, 4.30 p. m.	Nov. 21, 10.28 a. m.
Nov. 20, 12.27 p. m.	Nov. 21, 4.30 p. m.	Nov. 23, 8.30 a. m.
Nov. 21, 4.04 p. m. (Cleveland section). <sup>1</sup>	Nov. 22, 4.30 p. m.	Nov. 23, 12.28 p. m.
Nov. 22, 12.25 p. m.	Nov. 23, 4.30 p. m.	Nov. 24, 12.41 p. m.
Nov. 24, 9.06 a. m. (Chicago section). <sup>1</sup>	Nov. 24, 4.30 p. m.	Nov. 25, 12.02 p. m.
Nov. 24, 5.37 p. m. (Cleveland section). <sup>1</sup>	Nov. 25, 4.30 p. m.	Nov. 26, 12.30 p. m.
Nov. 25, 12.27 p. m.	Nov. 26, 4.30 p. m.	Nov. 26, 10.25 p. m.
Nov. 26, 12.29 p. m.	Nov. 27, 4.30 p. m.	Nov. 28, 1 p. m.
Nov. 28, 9.45 a. m. (Chicago section). <sup>1</sup>	Nov. 28, 4.30 p. m.	Nov. 29, 5.52 p. m.
Nov. 28, 10.40 p. m. (Chicago section). <sup>1</sup>	Nov. 29, 4.30 p. m.	Nov. 30, 2.30 p. m.
Nov. 29, 12.26 p. m.	Nov. 30, 4.30 p. m.	Nov. 30, 4.34 p. m.
Nov. 30, 8.03 p. m. (Chicago section). <sup>1</sup>	Dec. 1, 4.30 p. m.	Dec. 2, 8.05 a. m.

<sup>1</sup> Cleveland, Chicago, or Salt Lake sections dispatched because of impossible flying weather between the termini and such point.

While a better schedule can be maintained in the summer months than in the winter months, the above three months can be taken as a fairly good average.

#### LEAVE TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that on the next Consent Calendar day, March 19, 1928, I may address the House for 15 minutes upon the scope and purpose of the Consent Calendar.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that on the next Consent Calendar day, immediately preceding the calling of the Consent Calendar, he be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

#### BRIDGE ACROSS OHIO RIVER AT MOUND CITY, ILL.

Mr. DENISON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill., with Senate amendment thereto, and move that the House concur in the Senate amendment.

The Clerk read the Senate amendment.

Mr. DENISON. Mr. Speaker, the amendment consists in the correction of a printer's error.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### BRIDGE ACROSS MISSISSIPPI RIVER AT HICKMAN, KY.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 7921) authorizing A. Robins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky., with a Senate amendment, and move that the House concur in the Senate amendment.

Mr. COOPER of Wisconsin. Mr. Speaker, by what right does the gentleman bring up these measures?

Mr. DENISON. These are House bills that have passed the House and have also passed the Senate, to which the Senate have made small amendments. They are now on the Speaker's table.

Mr. LaGUARDIA. They are all bridge bills?

Mr. DENISON. Yes.

The SPEAKER pro tempore. The gentleman has the right to call them up. The Clerk will report the Senate amendment. The Clerk read the Senate amendment.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### BRIDGE ACROSS OHIO RIVER AT GOLCONDA, ILL.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill., with a Senate amendment thereto, and move to concur in the Senate amendment. The Senate amendment consists in merely inserting the words "section 4," which was left out by mistake.

The Clerk reported the Senate amendment.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### BRIDGE ACROSS OHIO RIVER AT RAVENSWOOD, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 6073) granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va., with a Senate amendment thereto, and move to concur in the Senate amendment. I might state that there were two errors made in the bill as it passed the House. In order to correct those two errors the Senate struck out the House bill and inserted a new bill, correcting those two errors. The amendment is quite long, and I ask unanimous consent to dispense with the reading of it, but that it be printed in the Record.

Mr. GARRETT of Tennessee. It is just one amendment? A complete bill?

Mr. DENISON. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate amendment is as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Ravenswood, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any

two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### THE CANAL ACROSS FLORIDA

The SPEAKER pro tempore. Under the order the Chair recognizes the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, while the Congress has under consideration flood control legislation, which is so necessary, it occurs to me that we should at this time consider the advisability of the ultimate completion of the Boston-Rio Grande Intracoastal Canal program. I shall speak with particular reference to the canal across Florida, which is a link in this great intracoastal waterway chain. To briefly summarize, we will begin with the Cape Cod Canal, connecting Cape Cod Bay with Buzzards Bay. You will recall the Sixty-ninth Congress authorized the purchase of this portion of the intracoastal waterway at an expenditure of several million dollars. We will next mention



the project from Delaware River to Chesapeake, Delaware, and Maryland. This waterway, usually known as the Chesapeake & Delaware Canal, is a sea-level canal extending from Reedy Point on the Delaware River about 41 miles below Philadelphia, Pa., to the junction of Back Creek and the Elk River, about 4 miles west of Chesapeake City, Md., a distance of about 19 miles, with a branch channel extending from Delaware City, Del., for a distance of 1.8 miles to the junction with the channel from Reedy Point, Del. The drainage area is about 65 miles. This canal formerly was private property, operated as a toll canal, beginning July 4, 1829. The total original cost was \$2,250,000, of which \$450,000 was paid by the United States, \$100,000 by Pennsylvania, \$50,000 by Maryland, and \$25,000 by Delaware, and the remainder by citizens of three States. It was purchased by the Government for \$2,514,289.70. It is about 12 feet deep and 90 feet wide.

In connection with this we might in passing mention the inland waterway from Chincoteague Bay, Va., to Delaware Bay at or near Lewes, Del.; also waterway on the coast of Virginia. Next we have an inland waterway from Norfolk, Va., to Beaufort, N. C. The existing project provides for an inland waterway with a depth of 12 feet at mean low water between Norfolk, Va., and Beaufort Inlet, N. C., a distance of 206.28 miles, with bottom width varying from 90 feet in land cuts to 300 feet in open water. The estimated cost for new work, revised in 1925, is \$8,000,937, exclusive of amounts expended under previous projects. The latest, 1916, approved estimate for annual cost of maintenance is \$85,000.

The next link in the chain is inland waterway from Beaufort, N. C., to the Cape Fear River, including waterway to Jacksonville, N. C. The existing project provides for a waterway 12 feet deep at mean low water, with a bottom width of 90 feet, extending along the coast from Beaufort, N. C., to the Cape Fear River, a distance of 93 miles. The estimated cost of new work, made in 1926, is \$5,800,000, with \$150,000 annually for maintenance.

The division engineer, southeast division, was charged with the duty of making preliminary examinations and survey provided for by the rivers and harbors act of January 21, 1927, as follows, and reports thereon will be later received:

First. Intracoastal waterway from Cape Fear River, N. C., to Georgetown, S. C.

Second. Intracoastal waterway from Cape Fear River, N. C., to the St. Johns River, Fla.

It is hoped by advocates of the Boston-to-Rio-Grande intracoastal waterway, that these surveys will warrant the Board of Engineers in making a favorable report upon this last project and thus providing for the endless chain from Boston to Florida.

The 1927 act also provided for preliminary examination of the canal across Florida from Cumberland Sound on the Atlantic, by way of the St. Marys River, Georgia-Florida, Okefenokee Swamp, Georgia, to Suwannee River, St. Marks River to St. Georges Sound. This is the project about which I shall talk to you a little later. By the way, this survey will go on from St. Georges Sound to the Mississippi River; however, this latter portion has been surveyed previously.

Mr. ROMJUE. Does that in any way involve the general waterway program in which the Mississippi and Missouri Rivers are included?

Mr. GREEN of Florida. Indirectly it does. It is a part of the comprehensive program. I believe we should have the cooperation from the States in the Mississippi Valley and those on the east coast in order to ultimately perfect it.

The next link in this great intracoastal waterway chain is the Louisiana-Texas intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex. The existing project is 348.97 miles via the northerly or Plaquemine route, and 280.17 miles via the southerly or Harvey Canal route. The estimated cost of the new work of the 9 by 100 feet waterway authorized in 1927, exclusive of amounts expended on previous projects, is \$9,752,000, including \$500,000 for a dredge, with \$185,000 annually for maintenance. This was adopted January 21, 1927.

The last and final link in the chain of the intracoastal waterway is in Texas, from Corpus Christi to Point Isabel, including Arroya, Colo., to Missouri Pacific bridge, near Harlingen. My purpose in mentioning all of these connecting projects of this waterway is to, if possible, bring to the attention of my colleagues the relation and importance of the proposed Florida canal in connection with this waterway, and thus you will see the Florida canal is all necessary and essential to the ultimate development of this great artery of commerce.

During the last session of Congress the intracoastal waterway from Jacksonville, Fla., to Miami, Fla., was authorized

at an expenditure of \$4,221,000. This project, when taken over and developed by the Government, will serve as a great feeder for Florida's Cross-State Canal, as you understand this canal goes down the east coast of Florida, connecting, by minor canals and by railroads, with the interior of the State.

House bill 8742, as introduced by me during the Sixty-ninth Congress, provided for a preliminary survey of the Cross-State Canal. It will be interesting to my fellow Members to know that this bill became a law and that the board of engineers are now making this survey. In 1927, upon the recommendation of the Florida State Canal Commission and others interested in this project, the Legislature of the State of Florida made an appropriation for cooperation by the State of Florida in the above-mentioned survey. The Florida State Canal Commission were very fortunate in being able to secure as Florida's engineer in this survey project Gen. Harry Taylor, formerly chief of the Board of United States Army Engineers. General Taylor is now working with the Federal engineers in this survey. I am informed that the survey is going along very satisfactorily and that chambers of commerce and other organizations are offering splendid cooperation. Later we are going to ask the Congress to appropriate sufficient funds to dredge this barge canal.

According to report of the Chief of Army Engineers, made several years ago, I believe about 1880, the canal would be approximately 226 miles in length; but by the utilization of the St. Marys River and the Suwannee River, of the Okefenokee, and all other streams, the actual canal to be cut would be slightly over 100 miles in length; the number of locks required would be approximately eight on the Atlantic side and six on the Gulf side; but said locks would not have to be built in flights. The character of the soil would permit quick and cheap construction, it being sandy loam on the Atlantic side, a soft muck through the swamp, and sand and soft limestone on the Gulf side; and the estimated cost of the canal—at that time—would be only a little over \$8,000,000 for a lock barge canal 9 feet deep and 100 feet wide at the bottom.

Of course, the canal should be more than 9 feet deep, say, 12 feet, to take care of heavy barges; and while the cost of building has greatly increased since this date, there has been improvement in machinery and more scientific methods of engineering have developed; therefore, my contention now is that the canal can be constructed at a cost which will be negligible compared with the great benefits accruing from same.

Mr. EDWARDS. Is this the canal proposed through the lower part of Georgia, across the State of Florida?

Mr. GREEN of Florida. Yes.

Mr. EDWARDS. At what point in Georgia is it proposed to start the canal?

Mr. GREEN of Florida. It starts at Cumberland Sound, on the Atlantic Ocean, and goes down the St. Marys River, and I am very glad to state that the efforts of my friend from Georgia [Mr. EDWARDS] in this behalf are very much appreciated.

At Cumberland Sound, the east end of the proposed canal—Fernandina, Fla.—is found one of the best harbors on the Atlantic coast. At St. Georges Sound, the west end of the proposed canal, also are to be found splendid harbor facilities. From Cumberland Sound up the St. Marks River to the Okefenokee Swamp is about 61 miles. With locks and canals across the Okefenokee Swamp to the Suwannee River, a distance of about 45 miles, thence down the Suwannee River in a general westerly direction a distance of 50 miles to about Charles Ferry, thence from Charles Ferry by canal a distance of about 70 miles, you have arrived at St. Marks, on the Gulf, and in the vicinity of the Okefenokee Swamp sufficient water, in my opinion, is accumulated for operation of locks and also to obtain sufficient depth of streams.

This canal would bear an almost incalculable amount of commerce. Naval stores, kaolin, and a large amount of manufactured lumber would move through this canal. The tonnage of these products exported in 1921 exceeded 150,000 tons, valued at more than three and a quarter million dollars. These products and their exportation have doubtlessly doubled since 1921. Probably \$2 per ton would be saved in transportation charges by this canal. Of course, I will not take time to enumerate the various other items of commerce which would pass through this canal, but I may state the items above mentioned would form only a meager part of the total.

When we take into consideration the great saving of coal and other fuels, and the transportation of same, and the transportation charges saved on the total, and also the ever-increasing volume of tonnage to be transported and the inability of the railroad facilities—although they are good—to rapidly, cheaply, and economically transport this tonnage, then it is conclusive that our waterways should be more fully developed.

Commerce and traffic in general is ever increasing. Measured in ton-miles, commerce doubles about once in a decade, or possibly a little longer. Of course, the Nation is experiencing at this time a rather dull traffic movement, same caused by general conditions brought about by reaction from unusual economic conditions just after the war, and to a lesser extent, by the uncertainty of business which is always the case just before presidential election; and while traffic is a little dull at this time, in my opinion we may reasonably predict that within three years, at least, the Nation will experience a healthy improvement in commerce. Judging the future by the past, we may expect within the next few years an unusual traffic congestion, and it is altogether possible that railroad and hard-road facilities will not be able to cope with the situation. Thus, looking to the future, as we are compelled to do, makes it more imperative that the Congress develop its waterways. I recall a very short while ago the great demand for building materials, and, in fact all items of commerce, was so great in Florida until it was impossible for transportation agencies to meet the demand; indeed, it was necessary to place an embargo. Now, my friends, if a general transportation emergency should in the future spread over our Nation you can see wherein it would be necessary to fully develop our water-transportation possibilities.

The older countries of the world have found it necessary to fully develop their water-transportation facilities. Europe, with some 3,584,000 square miles of land has now approximately 28,000 miles of nominally navigable waterways, while the United States, with some 3,028,000 square miles of area, has possibly 2,500 miles of developed waterways. The truth of this contention is revealed in the difference in the commerce of the countries. Before the war, almost any of the leading European nations had a greater volume of commerce than that of the United States. In 1912, for this single year, Germany's foreign commerce was \$853,000,000 greater than that of the United States. Holland and Belgium combined are as large as the State of West Virginia, with a population of some 15,000,000, and had a foreign trade which before the war exceeded that of the United States by over \$200,000,000. Of course, these conditions may not be as marked since the war as they were immediately before the war, but it leads us to realize that the United States is slow in foreign commerce as compared to the countries of Europe. This condition may not apply as to our domestic commerce, but both foreign and domestic commerce is certainly stimulated by developing our inland waterways. The Ohio River, for instance, is a smaller river than the Rhine. Previous to the year 1914, the Rhine was bearing over 55,000,000 tons of traffic a year; the Ohio River probably has never carried 20,000,000 tons in one year. I could cite many other instances showing that America is, comparatively speaking, asleep with regard to the development of her inland waterways.

To prove conclusively that it pays to develop waterways and dig canals, I will call your attention to the commerce which is now passing through the Panama Canal. During the first 15 days of February, 1928, 307 commercial vessels and 3 small non-seagoing launches transited the Panama Canal. The tolls collection on these amount to \$1,271,850.47; the average daily toll collection \$84,788.15. For the first seven and one-half months' period of the current year, beginning July, 1927, and ending February 15, 1928, the tolls collected at the Panama Canal amount to \$17,416,407.37.

The cost of maintenance of the Panama Canal is negligible compared to the benefits obtained through it. When we take into consideration the fact that it cost \$375,000,000 to construct the Panama Canal and that in seven and one-half months nearly seventeen and one-half million dollars were collected, it is easy to see how profitable to the country and to the people it is to construct canals. In this canal transportation above mentioned millions of dollars were saved for the public as compared to what rates would have been had it been necessary to transport by rail or roads. Of course, my friends, I do not predict that the Florida canal would be of anything like the importance as is the Panama Canal, but I do believe that the comparison as to cost and benefits which would accrue from its construction may well be considered in connection with the Panama Canal.

Mr. O'CONNOR of Louisiana. And will the gentleman also express himself upon the proposed ship canal across Florida and Louisiana?

Mr. GREEN of Florida. A ship canal would, of course, be better, but more expensive; but I hope to see the time when the ship canal will be a reality.

This canal would save in distance from the Atlantic to the Gulf approximately 1,000 miles. Of course, Mr. Speaker, the saving the long distance is not all; in this same proportion it would save in time and in money. Calculate, if you please,

the cost of transporting the vast tonnage which annually goes from the upper Gulf ports—New Orleans, Mobile, Pensacola, Apalachicola, Galveston, and others—to the Atlantic Ocean. Calculate the charge of transporting this tonnage 1,000 miles and you will find that in just a few years this amount will be greater than would be the cost of constructing this barge canal from Fernandina, on the Atlantic, to St. Georges Sound, on the Gulf.

Mr. Speaker, I think that it is time the Congress exercised in governmental affairs and expenditures of money belonging to the Government and our taxpayers the same prudence, wisdom, care, and frugality, as is exercised in personal affairs. It is inevitable that this barge canal will eventually be constructed, so why not let the Government go to it at once? We all know that the construction of the Panama Canal was looked upon by many for a long time as an impossibility and as a proposed waste of money and time; and probably nothing could have dislodged this erroneous idea, except the actual construction of the Panama Canal. But so complete has been the success of the project and so vast has been the saving in the cost and time of transportation through this canal until now the American people wonder why it was not earlier constructed. The Panama Canal is indispensable to the welfare of American and world commerce, besides being so essential in time of war; likewise, a canal across Florida would be of incalculable benefit and economy in commercial transportation and would well serve its purpose in time of war.

The growth of America in the past 20 years has been phenomenal, her manufactured products have increased from \$15,000,000,000 to over \$60,000,000,000, her food products have increased from less than \$3,000,000,000 to over \$10,000,000,000, her mineral products have increased from about one and one-third billion dollars to \$6,000,000,000, her imports and exports amount to \$2,450,000,000, and reports for 1924 show increase to \$8,200,000,000. The bank clearings were \$438,000,000 for 1924, or four times that of 20 years ago, and bank deposits have increased in like proportion, and \$43,000,000,000 were deposited in the banks of the United States in 1924. These amounts are ever increasing. In 1927 deposits were \$51,612,000,000 and bank loans were \$37,131,000,000.

Much has been said recently relative to national flood control; in fact, no other problem, in my opinion, should and will claim more careful thought and attention of Congress than will our national flood-control program. In the ultimate perfection of our national flood-control program it occurs to me that it will be well for us to look well into the development of our inland waterways. All the States of the great Mississippi Valley are affected by the Mississippi River; likewise this great valley would be affected by the proper utilization of the Mississippi River and its tributaries for transportation. Then this great Mississippi Valley section can justly, in turn, look to the Congress to open a canal through the State of Florida and thus provide for their incoming and outgoing commerce this shorter number of miles.

A great advantage will be accorded to the northeastern section of our country through the construction of the Florida canal in that it will give this section of our country a short all-water route to and from the lower Mississippi Valley; therefore I call upon the Members of the Congress from the Mississippi Valley and from the eastern shore of the United States, as well as those States of the Southeast, to concentrate their efforts with us for favorable action by the Congress for an appropriation with which to construct this canal.

The commerce of the United States has obtained stupendous proportions. A total of 531,614,691 tons of freight, exclusive of lighterage, constituted the water-borne commerce reported from continental United States and Alaska in 1926. About 76 per cent of this was domestic commerce and the balance foreign commerce. Of the foreign commerce, 76,324,861 tons represented exports and 50,078,928 tons represented imports. American vessels carried 478,019,944 tons in 1926, which showed an increase of more than 44 per cent for the last 10 years. Thus you will see the necessity of the Congress of the United States looking to the future welfare of our country and establishing economical and practical methods of transportation.

The vast wealth and resources of the United States altogether warrant an expansion in waterways development. The President of the United States has expressed himself in no uncertain terms on the question and advocates development of our waterways, and I firmly believe the Congress is ready to appropriate money for opening of rivers, dredging of canals, and establishing of adequate harbor facilities.

The Florida canal has long been a dream of all Florida citizens and is now thought of by our entire country. Its construction is absolutely essential to the future's full commercial development, and I believe we will soon see the time when



barges will load raw products in the lower Mississippi, pass down to New Orleans, on by way of intracoastal canal to Mobile and Apalachicola, on across Florida to Fernandina, thence on up a coastal canal to the markets of the East, then reload with manufactured products of the East and make their return pilgrimage. When this is done America will realize an even greater growth and prosperity than she has experienced during the past 20 years.

The commerce of Florida has increased to a much greater extent than has the general commerce of the United States, and I believe it well to advise my colleagues at this point that the amount of revenues saved to my State alone would in due course of time pay for the construction of this canal. No other State is experiencing such wonderful strides along general agricultural and horticultural lines as is the State of Florida. Florida ships so much of the produce sold in the northern market. In 1926 Florida's crops were worth \$85,805,000; in 1927, \$88,676,000. Compared with the country as a whole the 1927 value of Florida crops was greater than Maryland, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Wyoming, New Mexico, Arizona, Utah, and Nevada. The total of the South's crops at \$3,612,130,000 is nearly 40 per cent of the total value of all crops in the United States in 1927. Of course, all of Florida's crops are not sold on the market, but a large portion is sold. During the last shipping season, from September 1, 1926, to July 31, 1927—11 months—Florida shipped 91,002 carloads of fruit and vegetables. Thousands of carloads of fruit and vegetables are consumed at home.

Florida produced in 1926 81 per cent of the entire Nation's production of grapefruit; eggplants, 59 per cent; table cucumbers, 41 per cent; snap beans, 38½ per cent; peppers, 61 per cent; celery, 32 per cent; tomatoes, 24 per cent; early Irish potatoes, 10 per cent. Florida produces almost all of the other common vegetables, but in a lesser percentage.

The citrus fruit is one of Florida's greatest industries. Florida has 274 car-lot packing houses. She has 70,000 acres planted to grapefruit trees, 50,000 of which are bearing. She has 160,000 acres planted to orange trees, 95,000 of which are bearing, different varieties producing grapefruit and oranges for the market at different times of the year. For example, the early varieties of oranges placed on the market from November to January are such as Parsons, Temples, and Enterprise; mid-season varieties, from January to March, seedlings and pineapples; later varieties, from March to January, Valencias, Lue Gim Gongs, and others.

Another of Florida's most lucrative products is strawberries. It furnishes the entire country with early strawberries. Plant City and other places in its vicinity begin shipping as early as November or December. My own city of Starke begins shipping a little later and sends to cities north of Florida millions of dollars' worth of strawberries annually. Sanford, Fla., is a great producer of celery. It is estimated that \$6,000,000 worth of celery will be shipped from there this season. Nearly 2,000 carloads of celery have already been shipped from Florida this season. I shall not undertake to enumerate the other products of Florida which would augment the great volume of commerce which would pass through this canal.

The entire Southeast is now experiencing a great growth and industrial development. The States of Alabama, Florida, Georgia, and South Carolina, as well as other Southern States, show great increases in the volume of manufactured products. In 1914 these four States manufactured \$652,072,110 worth; in 1925, \$1,842,036,000. Since 1925 they have increased even more. In this section of the country there is an abundance of raw material, an unusually good year-round climate, hydroelectric power, an ample supply of labor, and those other conditions which contribute to a permanent manufacturing section.

In 1880 less than 5 per cent of America's cotton was used in southern mills; now approximately 30 per cent of all the cotton produced in the United States is converted into manufactured products by southern mills. No other section of the country is gaining in textile, tobacco, naval stores, and other manufacturing enterprises as is the Southeast. This section of the country undoubtedly is the modern and the last industrial frontier; therefore we can safely predict that the so-called local use of the Florida canal will grow greater and greater as the years pass on. The cross-State Florida canal has been indorsed by almost all of the officials of Florida, by the Florida Legislature, and the Georgia Legislature; in fact, the Georgia Legislature has ceded to the Federal Government the right of way for the canal. The Georgia Congressmen and Senators are heartily in accord for the project; in fact, scores of organizations through the southeastern part of our country have indorsed the project.

I predict that the Congress will soon agree that America must reach the zenith in development, transportation, and com-

merce and will appropriate sufficient money to utilize America's water arteries of commerce, including the cross-Florida canal. Money wisely spent to foster water transportation always nets splendid dividends, and, in my opinion, there is no more worthy project now before the American people than is this one.

This proposed canal, aside from its national and international importance, will develop one of the most fertile, prosperous, and thriving sections of the country; and may I remind you that last year the State of Florida alone contributed to the Federal Government more than \$46,000,000 in the way of Federal taxes, so will it not be just and fair for the Congress in turn to annually expend a portion of this money for the development of a waterway which would not only mean much to Florida, but to the entire Nation. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

#### HOSPITALIZATION FACILITIES IN SOUTHERN CALIFORNIA

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter written by Earl Merifield, liaison officer of the Disabled American Veterans of the World War, to Brig. Gen. Frank Hines in regard to hospitalization facilities in southern California.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAIL. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter from Earl Merifield to General Hines:

NATIONAL HEADQUARTERS,  
DISABLED AMERICAN VETERANS OF THE WORLD WAR,  
LIAISON SERVICE,  
Los Angeles, Calif., February 6, 1928.

Brig. Gen. FRANK T. HINES,

United States Veterans' Bureau, Washington, D. C.

MY DEAR GENERAL HINES: I am given to understand that you, as a member of the Federal Board on Hospitalization, will soon have under consideration the allocation of certain funds appropriated by Congress for the erection of additional hospital facilities for the use of the United States Veterans' Bureau. I note that you will have before you at the time of your deliberation numerous requests from all parts of the country for additional beds, and I know that you will be glad to have all the information possible as to the needs of the various sections. I am, therefore, taking the liberty of writing you in order that you will be acquainted with the conditions in southern California.

I have for the past three and one-half years represented the Disabled American Veterans of the World War as a full-time liaison officer in the regional office of the United States Veterans' Bureau in Los Angeles, and have naturally been in close touch with the hospital needs of this section. Every winter since the closing of the United States Veterans' hospital at Arrowhead Springs in June, 1924, we have been faced with the situation of having more men needing hospital care than there were beds available. Notwithstanding that statistics show an increasingly large number of ex-service men needing hospital care each year, southern California has received no additional facilities. It is true that two new hospitals have been built in this section in the past two years. However, this has not increased the number of beds. When the tubercular hospital at San Fernando was built the hospital at Camp Kearny was closed. The new hospital has 200 tubercular beds, while Camp Kearny had nearly 400 at the time of closing, and yet the bureau pointed with pride at what they had accomplished to relieve the situation. When the new main hospital at Soldiers' Home was opened last spring the old one was closed, and within 90 days the new hospital was filled to capacity. The hospital at Arrowhead that was closed in June, 1924, had 125 beds. No provisions were made to take care of the extra load caused by the closing of this hospital.

The Veterans' Bureau has the authority to hospitalize veterans at the United States naval hospital at San Diego. This hospital is located 140 miles from Los Angeles, and only ambulatory cases can be sent there, as the distance is too far for acute and emergency cases to travel. The hospitalization of ex-service men at this hospital is unsatisfactory. The naval hospital is controlled by naval regulations and the Veterans' Bureau has no jurisdiction over it.

For the past three months the Los Angeles bureau office has had a waiting list of the names of men requiring hospitalization. The number has varied from 5 to 25. The list to-day contains the names of 14 infirmary tubercular cases, 3 ambulatory tubercular cases, and 3 general medical and surgical cases. I am informed by medical authorities at both tubercular hospitals, at the Soldiers' Home and at San Fernando, that it will be at least 90 days before they will have sufficient infirmary beds to take care of those on the list. The turnover on infirmary cases is very small and only usually as a result of the death of a patient or a terminal case being sent to his home. Ambulatory tuberculars can be taken care of in from 1 week to 10 days and the men on these lists needing general medical or surgical care are

emergency cases, their condition being too serious to permit them being sent to San Diego. There has been as high as 10 of these on the list this winter. This waiting list does not show a true picture of the hospital needs as there are many men who, when told that there are not hospital facilities, either enter a private hospital or get along the best they can, depending in many cases upon the county and various organizations for relief and care.

It has been necessary many times this winter to call on the Los Angeles County hospital to take care of our emergency cases. This is resented by both the men and the community who feel that the Government should care for those ex-soldiers and that the burden should not be put on the county. There have been times this winter and in the past when some of these cases have appealed to well-known business men in the city and even to city officials, asking them to intervene in their behalf and try to get them hospitalized. This does not help for a better understanding between the public and the Veterans' Bureau. The various service organizations have done all they can to bring the seriousness of the situation to the proper officials.

In summing up the situation, provision must be made for additional tubercular beds in this vicinity. At the time San Fernando was built it was promised that additional beds would be provided later. This is needed now, and also there is an immediate need for a number of beds, to be put under the jurisdiction of the Veterans' Bureau, to take care of the general medical and surgical cases that can not travel to San Diego.

My organization will appreciate your careful consideration of this information. I assure you that I have not overestimated or over-emphasized the situation, and I am sure that an investigation of the daily reports from the local Veterans' Bureau and the hospitals in this territory will confirm my statements.

Respectfully yours,

EARL MERIFIELD,  
*Liaison Officer, Southern California.*

Attested by—

WILLIAM J. SHIRLEY,  
*Commander Quentin Roosevelt Post, No. 5,  
Disabled American Veterans of the World War.*

EARL PINNEY,  
*Adjutant Quentin Roosevelt Post, No. 5,  
Disabled American Veterans of the World War.*

#### RADIO LEGISLATION

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the pending radio bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker and Members of the House, the question involved in the radio situation is one that has arisen, of course, within the last few years, and one which has not been working satisfactorily, at least for the past several months.

As far back as about 1920 the first real effective radio broadcasting began to be generally put into operation. And the Radio Commission to have charge of the radio situation was selected and designated by President Coolidge during 1927. Prior to the passage of the radio act early in the year 1927, and when it was apparent that some legislation would be had on the subject, there was great discord among the listening stations throughout the country—confusion on every hand and everywhere. Scarcely anyone at that time was getting radio programs satisfactorily. Shortly prior to this great drive for legislation, however, programs were coming in much more satisfactorily than they were and than they did immediately prior and at the time the legislation was sought. Certain interests of the country which were apparently desirous of creating and maintaining a monopoly in the radio business took it upon themselves, so far as they were able to do so, and they did it quite effectively, to create all the discord and confusion possible among the listeners throughout the country so that the listeners would insist on the legislation then proposed being passed, although not one person in a hundred thousand had an opportunity to read and to know just what the proposed legislation was. Of course, it worked just like the interests that were seeking to establish a monopoly desired it to work. That is, it caused a great many of innocent people throughout the country to insist that the proposed legislation be passed, when as stated before, not one out of many thousands had an opportunity to know just exactly what it was.

I happen to be one of those who did not believe that the program as outlined and desired by certain radio interests at that time, which seemed to have the approval and consent of Mr. Coolidge, would work to the interests of the public, and I did not believe it would prove satisfactory. The great mass of the people, in my opinion, had simply been hoodwinked, fooled, and deceived by certain monopolistic interests of the country into making a request for something that they would find in the end they did not really want. Since that time it has been

proved that those who shared along with me this same opinion have found our judgment of this matter thoroughly confirmed, for since that time a few of the larger radio interests of the country seem to have pooled their interests in an effort to maintain and operate the radio broadcasting in their own interests, without regard to the listeners and the smaller radio operators elsewhere in the United States, and by the policy which these few radio pooling interests have followed many smaller radio stations have been practically suppressed and the average citizen scattered throughout this land, who has always felt that he had a reasonable right to the use of the atmosphere, finds so far as any practical view of the situation is concerned that he has been almost denied that right.

Of course, it will be admitted that some of the most powerful and large radio stations first began operation in centers like New York and New England, and it is now claimed by some that a few of these larger stations from this section of the country have vested rights in the air. That is, there are some of them who claim that they have acquired by their earlier operation what may be called a prescription right, that is being first in the activity, that other stations ought not now to arise up elsewhere and cross their path in any particular. In the first place I deny that any one or a group of a few of the larger radio operating stations have acquired any such right, and I maintain that they can not acquire and retain such a right contrary to the public interests and public welfare of the general population of the United States. They have no more right to claim for themselves such a vested right as would exclude all operation stations in centers of smaller population than a pioneer who first rode a pony across the plains of Uncle Sam's vast land-holdings in an early day would have had the right to claim that by reason of his first trip over such plains he had acquired a private right which he could hold for himself to the exclusion of the entire public. However, the claim of a few of the larger radio stations that they have such vested right to appropriate the air for their own purposes in line with their industries, reiterates the time-worn, selfish, and sordid manifestation too often exhibited by some of the human race to take because one can, and to keep, if possible, because they have the power to do so.

Month by month and year by year during the present administration of this Government's affairs, the citizen of this country who has been observant has found the policy to be one of giving more power to the powerful, more wealth to the wealthy, at the same time withholding from the weaker that which in many instances appears to be his just due, and shackling at every step those who are unable to protect themselves. So persistent is this policy being followed in this country that for the past few years the average citizen living in the agricultural belt of this country has found taxes mounting on his land, while he is shouldering the burden of discriminating laws, such as the high protective tariff, which takes from him a portion of that which he has earned by the sweat of his brow, and transfers it to that same section of the country in which has arisen the powerful monopolistic Radio Trust.

The present radio proposal should have written into the law that the licensing authority be compelled to make an equal allocation to each of the five radio zones of wave lengths and station power, and that within each zone the commission should be required and compelled to make a fair and equitable allotment among the different States and the people thereof.

A great amount of the disturbance is coming from the chain stations, and one reason of this dissatisfaction and discord is the fact that a large number of stations at present are hooked up in a chain and they carry over a different wave length the same program, so that in the entire chain of stations anyone who does not desire to hear the chain program has no place on the dial left to switch in.

If the commission selected by President Coolidge feels that it is necessary to have the chain stations certainly they ought to be required to operate on the same wave length; that is, all stations in the chain. This would leave an opportunity for listeners who desire to hear other stations to listen in without disturbance to their programs. It is quite apparent why the few larger radio stations want to operate the chain system on different wave lengths, by the different stations operating on the same program at the same time in the chain of stations, such a policy enables the chain stations to make a large amount of money out of their advertising programs, whereas they advertise everything for sale that they choose to advertise in that manner and for which they are paid.

Of course, it can not be said that every large radio station is operating unfairly and against the public interest, but many of them are now in one of the most gigantic monopolies that there is in the country, and it will prove to be greater, more sordid, and more selfish, and it is to be hoped that the President of the United States will remove from any board any man



whom he has appointed or will appoint who does not promptly manifest a strong and compelling desire to serve the public first, before the monopolies and special interests of the country are served.

How much we may expect that, at the hands of Mr. Coolidge, one man's guess is probably as good as another's, as the farmers of our country have gone bankrupt day after day and foreclosed in their homes, and the smaller banks throughout the Mid West have crashed, while the President has watched increased profits turning into the pockets of the protected industries of the country.

With the provisions written into the law, as it should be, providing that the people of the different States of this country are to have equal allocation and consideration and treatment in regard to wave lengths and power of stations, the board whom the President has appointed or hereafter does appoint, will have power to secure for the listeners everywhere fair treatment and consideration. If the listeners fail to get this service, the fault will be in the first instance with the board itself, which has control and charge of the matter, and if the failure to get fair treatment and consideration continues, the fault will lie, under the provisions of the legislation, with the President of the United States, and it will be his duty in case of such failure to remove offending members of the board and to select men to execute the duties of the commission who are more interested in the average man than they are in monopolies.

#### ADJOURNMENT

Mr. WHITE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Sunday, March 11, 1928, at 2 o'clock p. m.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 12, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

##### COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills upon the committee calendar.

#### EXECUTIVE COMMUNICATIONS, ETC.

401. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting draft of a bill to provide relief for the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased, was taken from the Speaker's table and referred to the Committee on Claims.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 11279. A bill authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes; without amendment (Rept. No. 870). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 6103. A bill to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes; with amendment (Rept. No. 871). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. H. R. 7029. A bill for the adoption of the Columbia Basin reclamation project, and for other purposes; with amendment (Rept. No. 872). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 10310. A bill authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes; without amendment (Rept. No. 873). Referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY: Committee on the Judiciary. H. R. 6687. A bill to change the title of the United States Court of Customs Appeals, and for other purposes; with amendment (Rept. No. 874). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 6844. A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto; with amendment (Rept. No. 875). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 8558. A bill relating to giving false information regarding the commission of crime in the District of Columbia; without amendment (Rept. No. 876). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 8915. A bill to provide for the detention of fugitives apprehended in the District of Columbia; without amendment (Rept. No. 877). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; without amendment (Rept. No. 878). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Claims. H. R. 8487. A bill to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota; with amendment (Rept. No. 879). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 10192. A bill for the relief of Lois Wilson; with amendment (Rept. No. 880). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2657. An act for the relief of George W. Boyer; without amendment (Rept. No. 881). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 4619. A bill for the relief of E. A. Clatterbuck; with amendment (Rept. No. 882). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 7079. A bill for the relief of John Golombiewski; without amendment (Rept. No. 883). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11944) for the relief of Louise Smith Hopkins, Ruth Smith Hopkins, and A. Otis Birch, and the same was referred to the Committee on Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHNEIDER: A bill (H. R. 11948) for the hospitalization of persons discharged from the United States Navy or

Marine Corps who have contracted tuberculosis in the line of duty while in the naval service; to the Committee on Naval Affairs.

By Mr. GAMBRILL: A bill (H. R. 11949) to regulate and fix rates of pay for certain employees of the Bureau of Engraving and Printing; to the Committee on the Civil Service.

By Mr. NELSON of Maine: A bill (H. R. 11950) to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck, at the town of Stonington, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS: A bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; to the Committee on Public Buildings and Grounds.

By Mr. DICKINSON of Iowa: A bill (H. R. 11952) to amend the grain futures act; to the Committee on Agriculture.

By Mr. JAMES: A bill (H. R. 11953) to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.) of surplus War Department real property; to the Committee on Military Affairs.

By Mr. LaGUARDIA: A bill (H. R. 11954) appointing the time for the meeting of Congress; to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 11955) to provide for erection of public buildings for the customs and immigration services on the Canadian and Mexican borders; to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON of Hawaii: Joint resolution (H. J. Res. 232) to provide for annexing certain islands of the Samoan group to the United States; to the Committee on Insular Affairs.

By Mr. MacGREGOR: Joint resolution (H. J. Res. 233) to permit admission within quota of wives and minor children of declarants who have been admitted into the United States prior to July 1, 1924; to the Committee on Immigration and Naturalization.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11956) for the relief of W. M. Seawell; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 11957) for the relief of Maj. Thomas J. Berry; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 11958) granting an increase of pension to Arena Rairdon; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 11959) granting an increase of pension to Mattie L. Smith; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11960) for the relief of D. George Shorten; to the Committee on Claims.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11961) granting a pension to Joseph Gasiorowski; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11962) granting an increase of pension to Flora Young; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11963) for the relief of Leo B. Thome; to the Committee on Military Affairs.

Also, a bill (H. R. 11964) for the relief of Charles Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 11965) granting a pension to George Paterson; to the Committee on Pensions.

Also, a bill (H. R. 11966) granting a pension to Rebecca Phillip Clark; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11967) granting an increase of pension to Nancy Georgia Yancey; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 11968) to permit Charles O. Pearson to make an additional homestead entry; to the Committee on the Public Lands.

By Mr. KING: A bill (H. R. 11969) granting a pension to James G. Voris; to the Committee on Pensions.

By Mr. KUNZ: A bill (H. R. 11970) granting an increase of pension to Jennett McWade; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11971) granting an increase of pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 11972) granting an increase of pension to Fanny G. Pomeroy; to the Committee on Pensions.

Also, a bill (H. R. 11973) granting an increase of pension to John T. Petty; to the Committee on Pensions.

Also, a bill (H. R. 11974) for the relief of Joseph Simon; to the Committee on Claims.

Also, a bill (H. R. 11975) for the relief of Purse Bros.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 11976) granting an increase of pension to John E. Crum; to the Committee on Pensions.

Also, a bill (H. R. 11977) granting a pension to Ellen Moody; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 11978) granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service; to the Committee on Naval Affairs.

By Mr. THOMPSON: A bill (H. R. 11979) granting an increase of pension to Percy Stites; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5226. By Mr. ARNOLD: Petition from citizens of Olney, Ill., in favor of the Civil War pension bill; to the Committee on Invalid Pensions.

5227. By Mr. BACHMANN: Petition of Copestone Chapter No. 12, Royal Arch Masons, Grafton, W. Va., protesting against the passage of Senate bill 1752, known as the Oddie bill; to the Committee on the Post Office and Post Roads.

5228. Also, petition of Mystic Lodge No. 75, Ancient Free and Accepted Masons, and Grafton Lodge, No. 31, Independent Order of Odd Fellows, Grafton, W. Va., protesting against the passage of Senate bill 1752, known as the Oddie bill; to the Committee on the Post Office and Post Roads.

5229. By Mr. BACON: Petition of Joseph Greenfield and other citizens of Long Island, N. Y., protesting against House bill 78 and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5230. Also, petition of A. A. Mehn and other citizens of Smithtown, Long Island, N. Y., protesting against House bill 78 and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5231. By Mr. BECK of Pennsylvania: Petition of Philadelphia Board of Trade; to the Committee on Flood Control.

5232. By Mr. BOIES: Petition signed by citizens of Onawa, Monona County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5233. By Mr. COCHRAN of Pennsylvania: Petition of Ellen Ruland, of Grand Valley, and 39 other residents of Forest and Warren Counties, Pa., protesting against the passage of House bill 78 and any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5234. By Mr. ESLICK: Petition of Mrs. J. C. Carlisle and others, of Dickson, Tenn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5235. Also, petition of W. C. Dickerson and others, of Dickson County, Tenn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5236. By Mr. EVANS of Montana: Petition of Lodge No. 138, of the Danish Brotherhood of America, of Butte, Mont., protesting against the national-origin quota or any further reduction in the Scandinavian quota; to the Committee on Immigration and Naturalization.

5237. By Mr. GALLIVAN: Petition of H. P. Converse, of H. P. Converse & Co., 141 Milk Street, Boston, Mass., recommending passage of House bill 5772, known as the day labor bill; to the Committee on the Judiciary.

5238. By Mr. GARBER: Resolution of Oklahoma Woman's Christian Temperance Union, by Mrs. Abbie B. Hillerman, 112 South Olympia, Tulsa, Okla., in protest to the impeachment of Judge Franklin E. Kennamer, of the northern district of Oklahoma; to the Committee on the Judiciary.

5239. Also, letter of O. O. Hammonds, State health commissioner, Oklahoma City, Okla., in support of Parker bill (H. R. 11026); to the Committee on Interstate and Foreign Commerce.

5240. Also, letter of J. W. Snodgrass and Mrs. A. M. Snodgrass, route 7, Perry, Okla., urging the enactment of Berger pension bill; to the Committee on Pensions.

5241. By Mr. HICKEY: Petition of Edward Moritz and other citizens of South Bend, Ind., against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.



5242. By Mr. HOGG: Petition of William H. Hackett and 90 other citizens, of Fort Wayne, Ind., protesting against passage of the Lankford bill; to the Committee on the District of Columbia.

5243. By Mr. KUNZ: Petition of citizens of Chicago, Ill., protesting against the enactment of compulsory Sunday observance legislation, and particularly House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

5244. Also, resolution of city council of the city of Chicago, requesting amendment of the Volstead Act and the taking of a referendum vote on the question of the repeal of the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

5245. By Mr. LINDSAY: Petition of Chamber of Commerce, Muncie, Ind., favoring an American merchant marine on the basis of private ownership and operation, and favoring passage of the White bill; to the Committee on the Merchant Marine and Fisheries.

5246. Also, petition of the New York State Federation of Labor, Albany, N. Y., protesting against the passage of House bill 11137, and urging this action in behalf of American Association of Masters, Mates, and Pilots; to the Committee on the Merchant Marine and Fisheries.

5247. Also, petition of Association of Commerce, Sheboygan, Mich., protesting against the Jones bill, providing for the further development of the American merchant marine, and favoring the White bill, especially the section providing for the transfer of cargo from Government ships to those of private ownership; to the Committee on the Merchant Marine and Fisheries.

5248. By Mr. MAGRADY: Petition of Frank C. Arms and 170 other citizens of Riverside, Pa., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5249. By Mr. NEWTON: Petition of C. E. Powers, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5250. By Mr. O'BRIEN: Petition of the citizens of Clarksburg, W. Va., against the passage of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5251. Also, petition of the citizens of Clarksburg, W. Va., protesting against the passage of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5252. By Mr. O'CONNELL: Petition of the Southern California Chapter, the Disabled Emergency Officers of the World War, favoring the passage of the Fitzgerald bill; to the Committee on World War Veterans' Legislation.

5253. Also, petition of the city of Charleston, S. C., Bureau of Port Development, favoring the passage of the Crisp bill (H. R. 8221), with reference to southern agriculture; to the Committee on Irrigation and Reclamation.

5254. By Mr. RAMSEYER: Petition of residents of Wapello County, Iowa, remonstrating against chain-station control of the radio; to the Committee on the Merchant Marine and Fisheries.

5255. Also, petition of residents of Grinnell, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5256. By Mr. ROMJUE: Petition of J. C. Bradley et al., of Ethel, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

5257. By Mr. SELVIG: Petition of A. I. Peterson and five farmers and residents of Kittson County, protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5258. Also, petition of W. M. Stecht and 27 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5259. Also, petition of W. H. Buck and 14 farmers and residents of Marshall County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5260. Also, petition of John H. Coulter and 38 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5261. Also, petition of George O. Olson and 33 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5262. By Mr. SINCLAIR: Petition of 48 citizens of Berthold, Carpio, Hartland, and Tagus, N. Dak., favoring Senate Joint Resolution 47, proposing an amendment to the Constitution fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

5263. By Mr. WATSON: Resolution passed by the Washington Camp, No. 33, Patriotic Order Sons of America, favoring the immigration act of 1924; to the Committee on Immigration and Naturalization.

5264. By Mr. WINTER: Petition of voters of Laramie, Wyo., to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES

SUNDAY, March 11, 1928

The House met at 2 o'clock p. m., and was called to order by the Speaker pro tempore, Mr. COOPER of Ohio.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, help us to rise from the mist and gloom of human sorrow to where we can almost see through the vistas to the upper world. Through the night and into the morning, while the veil hangs dark between, let not the bell be tolled; allow not the dirge of winter. Let it be rung and sound it forth from the distant hills. It strikes the tones of lengthened hope—the springtime of heaven. Arise, O Lord, on the breast of eternity and let us hear through the shadows the glad note of the day dawn: "Lo, it is I, be not afraid." We pause. There is no response to the call! One has been withdrawn from the sum of human existence. He has carried the burden and he leaves a song. This Chamber has witnessed his life filled with devotion to duty; here is the path he so faithfully trod. He never quenched a single taper that glowed on the human altar. Ah, this mortal has put on the glory of immortality. There shall be no night there; and they need no candle; neither light of the sun; for the Lord God giveth them light and they shall reign forever and ever. Through Jesus Christ our Lord. Amen.

The SPEAKER pro tempore. Without objection the reading of the Journal of yesterday's proceedings will be deferred.

There was no objection.

THE LATE REPRESENTATIVE A. E. B. STEPHENS

The SPEAKER pro tempore. The Clerk will report the special order for to-day.

The Clerk read as follows:

On motion of Mr. COOPER of Ohio, by unanimous consent—

"Ordered, That Sunday March 11, 1928, at 2 o'clock p. m. be set apart for memorial exercises in commemoration of the life, services, and character of the late Hon. A. E. B. STEPHENS, former Representative from the second district of Ohio."

Mr. MOORE of Ohio. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House Resolution 135

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. A. E. B. STEPHENS, late a Member of this House from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. TATGENHORST. Mr. Speaker, may I give my tribute to those which are to be given? Let me briefly review the life of that noble man whom we here do reverence. Col. A. E. B. STEPHENS was born in Hamilton County, Ohio, June 3, 1862, the son of S. Kyle Stephens, of Civil War fame, and Minerva Smith Stephens. Educated in the Cincinnati public schools and a graduate of Chickering Institute, he became a teacher at the age of 20. After serving in educational fields for about 12